Anno decimo

Georgii III. Regis.

An Act for making and maintaining a navigable Cut or Canal from *Leeds Bridge*, in the County of *York*, to the *North Lady's Walk* in *Liverpoole*, in the County Palatine of *Lancaſter*, and from thence to the River *Merſey*.

WHEREAS the making a Cut or Canal from the Town of Leeds, in the County of York, through the ſeveral Townſhips, Pariſhes, or Hamlets of Holbeck, Wortley, Armley, Bramley, Calverley, Eccleſhall, Idle, Shipley, Bingley, Morton, Silſden, Kildwick, Farnell, Bradley, Skipton, Sterton, Thorlby, Gargrave, Bank Newton, Marton, Coats, Barnoldſwick, and Salterford in the ſaid County of York; and Foulridge, Coln, Marſden, New Laund, Filly Cloſe, Padiham, Simonſtone, Read, Whalley, Billington, Saliſbury, Clayton, Oſbaldiſton, Balderſtone, Samleſbury, Cuerdale, Walton, Cuerden, Farrington, Leyland, Ulneſwalton, Eccleſton, Mawdeſley, Biſpham, Wrightington, Parbold, Newburgh, Latham, Burſcough, Scariſbrick, Halſal, Down-Holland, Lydiate, Aughton, Maghull, Melling, Aintree, Netherton, Ford, Litherland, Bootle, and Kirkdale, and to Liverpoole, in the County of Lancaſter; for the Navigation of Boats and other Veſſels with heavy Burthens, will open a ſhort, eaſy, and commodious Communication between the ſeveral populous Towns of Leeds, Bradford, Bingley, Preamble.

Bingley, Kighley, Skipton, Gargrave, Settle, Colne, Burnley, Blackburn, Padiham, Whalley, Preston, and Ormskirk, and other the interior Parts of the Counties of York and Lancaster, and the Ports of Hull and Liverpoole, which will be of great Advantage, not only to the Trade carried on to and from the said Two Ports, but to many various and very valuable Manufactures, which abound in most of the Towns and Places above mentioned, and in other Places near which the said Cut or Canal is proposed to be made; and will also tend to the Improvement of the adjacent Lands, Relief of the Poor, and the Preservation of the publick Roads, and moreover be of great Utility: And whereas the Persons herein after particularly named, are desirous, at their own proper Costs and Charges, to begin, carry on, and complete the said proposed navigable Cut or Canal: Wherefore, for obtaining and perfecting the good Ends and Purposes aforesaid, May it please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Passing of this Act, the Right Honourable the Earl of Thanet, John Aspinal Serjeant at Law, Thomas Arthington, Peter Brooke, John Clayton, Henry Cunliffe, Thomas Durant, Jeremiah Dixon, Nathaniel Eyre, James Foulds, Joshua Field, John Field, John Gildart, William Green, William Harrison, Ibbetson Hamer, Thomas Lee, Thomas Lee junior, Thomas Leach, Thomas Lodge, Edmund Lodge, James Lomax, Henry Lutwidge, Anthony Lister, Charles Lewis Mordaunt, Josias Morley, Gamaliel Milner, Alexander Nowell, Danson Rowndell, Walter Stanhope, Walter Stanhope junior, William Stanhope, Richard Wilson, Thomas Wilson, Ann Wilson Widow, Banastre Walton, Ambrose Walton, Matthew Wilson, Stephen Walter, Tempest Henry Wickham, Richard Wainman, William Wainman, Anthony Wrightson, Esquires; the Reverend Doctor Fountayne Dean of York, John Fothergill and William Hird, Doctors of Physick; John Alcock, Henry Alcock, William Alcock, Richard Alcock, Nathan Atkinson, Richard Ascough, James Atkinson, William Armisted, James Almond, John Aldam, Ruth Abdy, William Benson, William Birkbeck, Morris Birkbeck, Sarah Birkbeck, Sarah Broadbent, Thomas Broadbent, Joseph Broadbent, Elizabeth Broadbent, Thomas Bland, Backhouse, Samuel Bromhead, John Barnard, Elizabeth Barnard, Gideon Bickerdike, Charles Booth, John Birtwhistle,

Proprietors Names.

James

James Barwick, William Blakey, John Barlow, Benjamin Barber, S. Baldwin, Barbara Baldwin, Edward Benſon, Benjamin Blezard, William Bawdwen, William Baynes, William Brown, Thomas Brown, Henry Barmby, John Buck, Nicholas Brennand, Richard Brooke, Thomas Brennand, James Booth, Benjamin Booth, William Birks, William Benſon junior, Thomas Bolland, Jonas Blakey, Ann Blakey, Richard Brown, John Barcroft, Edmund Beeſton, Joſeph Bland, Joſeph Bromhead, Benjamin Bromhead, Samuel Briſcoe, Charles Barnard, John Backhouſe, Henry Boſs, Bryan Blundell, John Banks junior, John Baniſter, Victor Bowgerie, James Bulcock, Richard Buttler, Benjamin Bulcock, Edward Brewer, Ellen Banniſter, Jonathan Barker, Thomas Barker, John Barker, Robert Bulcock, John Beckwith, Francis Billam, John Booth, Zachariah Cockfield, William Chippendale, Bernard Crooke, Iſaac Couſins, Jonathan Caſſon, John Croſsley, William Cordingley, Henry Croiſdale, Mary Chippendale, Abraham Couſins, John Cooper, William Cowell, John Crofts, Thomas Cure, David Coats, Thomas Colbeck, Edmund Cockſhut, James Corney, John Chorley, William Clark, John Carver, John Cloudſley, Oliver Cooper, John Croſby, William Catheral, John Crompton, John Clayton, John Caſſon, William Caſſon, George Corney, John Cowlin, Henry Cockſhut, John Clarke, Joſhua Croſby, William Coleman, Elizabeth Charlton, Croſley and Hodſden, John Couſins, Sarah Cookſon, Charles Charnock, Sarah Drake, John Dehane, Francis Duffield, John Day, John Dean, George Dale, James Driver, Patrick Dixon, John Dinſdale, Henry Durſton, John Deakin junior, David Draper, Jonas Driver, Jonas Driver junior, John Denbigh, Henry Dixon, William Denniſon, Emilia De la Prime, George Dehorn, Francis Dixon, Richard Ecroyd, John Eagle, Thomas Edmundſon, Henry Ellis, Elliot Elmes, William Edwards, William Foulds, Richard Foulds, Joſeph Frith, William Fairbank, John Frith, John Frith junior, Jonas Fox, Joſeph Fountayne, John Forſter, Thomas Fernes, Roger Fiſher, Charles Fleetwood, John Freſhfield, Mary Farrington, Matthew Gilbertſon, James Greenwood, John Greenwood, Peter Garforth, George Gray, Richard Garnet, Samuel Gamble, Eleanor Green, Thomas Garnet, Edmund Grey, Elizabeth Swan Grey, Thomas Golightly, Robert Green, John Gurney, Henry Gurney, Thomas Green, Thomas Hardcaſtle, Sarah Hall, Chriſtopher Hargreaves, William Hartley, George Hartley, John Hamer, Iſaac Hollins, Sarah Hodgſon, Mary Hodgſon, William Holden, William Hudſon, Thomas Horsfall, John Hurſt, John Heber, Reginald Heber, Thomas Hartley, Stephen Hartley, William Hardcaſtle,

Joſeph Hutton, John Huſtler, Adam Holden, John Hardiſty, David Hebden, James Haggas, John Horsfal, Richard Hartley, James Hartley, John Halſted, Robert Hartley, Chriſtopher Higgin, Joſeph Hartley, John Hanſon, John Holden, Benjamin Hird, Robert Hawley, Richard Hargreaves, William Haworth, William Hey, Thomas Hartley, John Hargreaves, Ralph Heatley, John Heatley, John Heald, Benjamin Heywood, John Hollinſhead, Chriſtopher Hackin, James Holker, John Hodſon, William Hinton, Thomas Hartley, John Hargreaves, William Hutchinſon, Nathaniel Jowett, William Johnſon, Henry Juder, Joſeph Ibbetſon, John Jackſon, Giles Johnſon, John Kirk, George Kellett, Abraham Kendal, Matthew Knowls, John Kenion, Robert Laycock, William Lindow, Ann Leyland, Eleanor Leach, Rachel Leach, Mary Leach, Joſeph Leach, James Lang, Robert Lang, James Leigh, Joſeph Lea, Ellen Longton, Miles Lowley, Francis Lambert, John Lyon, Margaret Longton, Lubbock and Preſton, Lance Myers, Thomas Moorhouſe, William Mitchel, John Maud, James Metcalf, Richard Milnes, Richard Markham, James Marſhall, Robert Midgley, William Midgley, Thomas Maddocks, William Moſs, John Miers, Ann Moore, Robert Milner, James Maſon, William North, George North, Sarah North, Robert Newton, John Nightingale, George Nayler, William Netherwood, Richard Nall, Richard Nicholas, Sarah Nowel, David Nuttal, Henry Nowel Clerk, Mary Oliver, Michael Ogden, John Owthwaite, John Oddie, Margaret Ormerod, Thomas Olive, Chriſtopher Piccard, John Payne, Kenyon Parker, John Preſton, Thomas Pullen, James Pearſon, Eleanor Peart, Ann Powell, James Pullen, William Pickance, William Penkinſon, Thomas Park, Thomas Puſey, Thomas Potter, Francis Peacock, Richard Plat, John Pollard, Francis Plumb, Edward Pearce, Joſeph Prieſtley LL. D. James Pemberton, William Quency, James Rothwell, James Robinſon, Thomas Rawſon, Edward Ruſhton, Robert Ramſbottom, Francis Ramſbottom, Mary Rhodes, John Ruſhworth, Thomas Rawſon, John Robinſon, Lawrence Robinſon, James Robinſon, James Ridehalgh, Jonathan Raine, James Roberts, Joſias Robinſon, John Siberis Roebuck, John Ratcliffe, Allen Ridehalgh, Thomas Rumbold, Peter Rigby, Richard Rycroft, Thomas Robinſon, Iſaac Rayner, Abraham Sutcliffe, William Sutcliffe, William Spencer, William Smith, John Storr, John Slack, Benjamin Smith, Jane Sutcliffe, Joſeph Smith, John Sedgwick, Joſhua Stead, James Smyth, John Smith, Samuel Smith, John Smith, Joſeph Swain, David Swail, James Swail, Benjamin Smith, William Smith, William Storrs, Joſeph Storrs, James Sales, William Skelton, Robert Sharp, John Snugen,

Sugden, Jonas Shaw, John Slater, George Shaw, William Smith, Richard Sagar, John Sharpleſs, Thomas Shaw, Jonathan Stockdale, Thomas Skelton, James Smith, John Sharp, Thomas Slater, John Parker Swinglehurſt, Matthew Strong, Thomas Smyth, Gill Slater, Ann Southworth, Thomas Sudel, Chriſtopher Snow, James Sedgewick Clerk, William Spencer, John Smith, Benjamin Steel, Peter Smith, John Strettel, John Thompſon, Thomas Thackeray, Mary Thackeray, Joſeph Thwaites, James Tod, William Tayler, Thomas Tindal, Matthew Tillotſon, Hugh Tillotſon, Thomas Tillotſon, Thomas Tennant, John Tennant, John Tetley, John Turner, Henry Tenant, Edward Thornton, William Topper, John Tarlton, Robert Thwaites, James Tunſtal, John Townly, Betty Tinſdale, Elizabeth Taylor, Joſeph Talwin, Robert Varley, Lewis Vaſlet, Thomas Vernon, Henry Wilſon, John White, Chriſtopher Wilkinſon, James Wood, John Wilkinſon, William Waddilove, Thomas Wilkinſon, John Wilkinſon, Richard Waddilove, Henry Wrathall, John Wilcock, William Wilkinſon, James Wood, James Wilſon, William Wright, John Wilſon, John Wright, John Willot, James Wheat, Thomas Wolrich, Hatton Wolrich, Ann Wilſon, Thomas Wroe, William Whitelock, John Wilkinſon, Thomas Wilkinſon, Thomas Wilſon, John Wilſon, Thomas Wilſon junior, Richard Wilkinſon, John Whitaker, Ellythorpe Waterhouſe, Joſeph Wiggleſworth, Joſeph Ward, Richard Wilkinſon, Thomas Wilkinſon, Ralph Williamſon, Joſeph Walley, James Worthington, Auguſtine Woodward, John Wilſon, John Wiggleſworth, John Wood, John Willion, Thomas Williamſon, John Wakefield, John Watſon, John Woodhouſe, Elizabeth Yates, **together with ſuch Perſon or Perſons as they, or the major Part of them, at any General Meeting aſſembled, ſhall nominate and appoint under their Hands and Seals, ſhall be united into a Company for the better carrying on, making, completing, and maintaining the ſaid navigable Cut or Canal, according to the Rules, Orders, and Directions herein after expreſſed and laid down; and ſhall for that Purpoſe be One Body Politick and Corporate, by the Name of** The Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpoole*; **and by that Name ſhall have perpetual Succeſſion, and ſhall have a Common Seal; and by that Name ſhall and may ſue and be ſued; and alſo ſhall and may have Power and Authority to purchaſe Lands for the Uſe of the ſaid Navigation, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain; and the ſaid Company of Proprietors ſhall be and are hereby impowered, from and after the Fourteenth Day from the paſſing of this Act, by themſelves, their Deputies,**

Stile of the Company.

Their Power.

ties, Agents, Officers, Workmen, Servants, and Assigns, to make and complete a Cut or Canal, navigable and passable for Boats, Barges, and other Vessels, from or near a certain Bridge over the River Air, called Leeds Bridge, in the said Town of Leeds, through the Township of Leeds, and through the said several Townships, Parishes, or Hamlets of Holbeck, Wortley, Armley, Bramley, Calverley, Eccleshall, Idle, Shipley, Bingley, Morton, Silsden, Kildwick, Farnell, Bradley, Skipton, Sterton, Thorlby, Gargrave, Bank-Newton, Marton, Coats, Barnoldswick, Salterford, in the said County of York, and Foulridge, Coln, Marsden, New Laund, Filly Close, Padiham, Simonstone, Read, Whalley, Billington, Salisbury, Clayton, Osbaldiston, Balderstone, Samlesbury, Cuerdale, Walton, Cuerden, Farrington, Leyland, Ulnestwalton, Eccleston, Mawdesley, Bispham, Wrightington, Parbold, Newburgh, Latham, Burscough, Scarisbrick, Halsal, Down-Holland, Lydiate, Aughton, Maghull, Melling, Aintree, Netherton, Ford, Litherland, Bootle, and Kirkdale, and to or near a certain Place called The North Lady's Walk, in the Town or Port of Liverpoole aforesaid, and from thence to communicate with the River Mersey; and supply the said Cut or Canal, whilst the same shall be making, and when made, with Water from such Springs, Brooks, Streams, and Watercourses as are or shall be found in making the said Cut or Canal, and from such Brooks, Streams, and Watercourses, as are or shall be found within the Distance of One thousand Yards from any Part of the said Cut or Canal, or within the Distance of Five Miles from that Part of the said Cut or Canal lying between the Two first intended Locks upon the Summit of the said Canal; and also to make such Reservoirs as shall be necessary for the Purposes of the said Cut or Canal, within the Distance last mentioned, for the more conveniently supplying the said Canal with Water, and for the Purposes aforesaid; as also for making, using, completing, extending, and maintaining of such Trenches, Passages, Gutters, and Watercourses as shall be necessary and proper to convey Water to and from the said Cut or Canal, according to the Tenor and Purport of this Act: And the said Company of Proprietors, and their Agents, Servants, and Workmen, are hereby authorised and impowered, in, upon, or through the Lands and Grounds of or belonging to the King's Majesty, His Heirs, or Successors, or of any other Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever (not being at this Time Ground whereon a Dwelling-house or Out-house stands, or a Garden, Yard, Park, Paddock, planted Walk or Avenue to an House,

Lawn inclosed or adjoining to a Mansion-house, save as is herein after mentioned) to enter, and to bore, dig, cut, trench, sough, remove, take, carry away, and lay Earth, Soil, Clay, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters and Things which may be dug or got in the making of the said Cut or Canal, or out of any Lands or Grounds of any Person or Persons adjoining or lying contiguous thereto, and which may be proper, requisite, or convenient for carrying on, continuing, or repairing the same, or which may hinder, prevent, or obstruct the making, using, completing, extending, and maintaining the same; and also to make, build, erect, and set up, in or upon the said intended Cut or Canal, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Tunnels, Aqueducts, Sluices, Locks, Wears, Pens, Water-flanks, Reservoirs, Drains, Wharfs, Quays, Landing-places, Weigh-beams, Cranes, and other Works, Ways, and Conveniencies, as and where (except as before excepted) they the said Proprietors shall think requisite and convenient for the Purposes of the said Navigation; and also from Time to Time to alter, repair, amend, widen, and enlarge the same respectively, or any other Conveniencies above mentioned, as well for the carrying and conveying Goods, Commodities, and other Things to or from the said Cut or Canal, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, amending, widening, or enlarging the said Works of or belonging to the said Navigation; and also to place, lay, work, and manufacture the said Materials on the Grounds near to the Place or Places where the said Works, or any of them, shall be, or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Cut or Canal, or the Tunnels, Aqueducts, Soughs, Trenches, Passages, Gutters, Watercourses, and Sluices respectively which shall communicate therewith; and also to make, set up, and appoint such Roads, Towing-paths, Banks, and Ways convenient for towing, haling, or Drawing of Boats, Barges, or other Vessels, passing in, through, or upon the said Cut or Canal, as they the said Proprietors shall think convenient; and to construct, erect, and keep in Repair any Piers, Arches, and other Works, in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing the said Cut or Canal, and Towing-paths on the Sides thereof;

and also to construct, erect, make, and do all other Matters and Things which they shall think convenient and necessary, for the making, effecting, extending, preserving, improving, completing, and using the said Navigation, in pursuance and within the true Intent and Meaning of this Act; they the said Proprietors doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction, in Manner herein after mentioned, to the Owners or Proprietors of such Lands, Tenements, or Hereditaments, Watercourses, Brooks, or Rivers respectively, as shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Servants, Agents, and Workmen, and all other Persons whatever, for what they or any of them shall do by virtue of the Powers hereby granted; subject nevertheless to such Provisions and Restrictions as are herein after mentioned.

Satisfaction for Damages.

Restrictions against building Houses or Mills upon Towing-paths, and other particular Places;

Provided always, and be it further enacted, That nothing in this Act contained, shall extend to enable the said Proprietors to erect or build any House or other Building (other than such Warehouses and Watch-houses to be built as herein authorised) for the Use of the said Navigation, or any Mill or Mills upon the said intended Cut or Canal hereby authorised to be made, or upon the Lands which shall be set out for the Towing-paths, Wharfs, or Quays, on the Sides thereof; or to convert, employ, or use any Water that shall be brought into or discharged out of the said Cut or Canal, Trenches or Sluices, hereby authorised to be made, to or for the Use of any Mill or Mills hereafter to be erected near the same, or for any other Use or Purpose than for the navigating Boats or Vessels upon the said Canal; or to plant any Trees on such Lands or Grounds; or to make, erect, or build, any Warehouses, Watch-houses, Buildings, Quays, Wharfs, Cranes, or Weigh-beams, within the Distance of Three hundred Yards of any capital Mansion or Manor-house; or in or upon any Fold, Yard, Garden, Park, Paddock, planted Walk, or Avenue to an House, or Lawn inclosed, adjoining to any capital Mansion or Manor-house, that are such at this Time (save as herein after is excepted); or to take down or damage (save as herein after provided) any Dwelling-house or Out-house, without the Consent of the Proprietor or Proprietors thereof, under his, her, or their Hands and Seals respectively; or to cut

down any Timber, Wood, Brush-wood, or Under-wood, upon any of the Estates or Lands through or into which the said navigable Cut or Canal, Trenches, Sluices, Roads, Passages, or Conveniencies, or any Part thereof respectively, shall be made or carried (except such Timber, Wood, Brush-wood, or Under-wood, as shall grow or be in or upon any of the Lands or Grounds which shall be set out and ascertained, taken or used for the making of the said navigable Cut or Canal, Towing-paths, Trenches, Sluices, Roads, Passages, or Conveniencies respectively as aforesaid); and the Proprietors of the respective Lands and Grounds on which such Timber, Wood, Brush-wood, or Under-wood shall grow, at the Time of passing this Act, their Heirs and Assigns, shall have it in their Option to take such Timber, Wood, Brush-wood, or Under-wood respectively, when fallen or cut down by the said Company of Proprietors, at such Price or Value as the same respectively shall have been estimated or purchased by the said Company of Proprietors; which Timber, Wood, Brush-wood, or Under-wood, so fallen by the said Company of Proprietors, or by their Order, shall and may be carried to and from any Parts of the said Cut or Canal, free from all Tolls and Duties to be raised and levied by virtue of this Act; but in case the same shall not have been estimated at, or purchased by them, upon a Valuation separate or distinct from the Lands or Grounds upon which the same respectively shall grow, then at such Price or Value as shall be agreed on for that Purpose, between such Proprietors or Owners of Lands, and the said Company of Proprietors, or their Agents; or in case of any Difference of settling or ascertaining the same, then at such Price or Value as the Commissioners herein after mentioned, or any Five or more of them, shall direct and appoint: And if any House or other Building (except as aforesaid) shall be erected, or any Trees shall be planted, upon any such Lands or Grounds, without such Consent as aforesaid; it shall and may be lawful to and for the Person or Persons who was or were Owner or Owners of such Lands or Grounds, at the Time of the setting out the same as aforesaid, his, her, or their Heirs or Assigns, to take, pull down, and remove such Houses and other Buildings, and to cart and carry away such Trees, without being guilty of a Trespass, or being liable to any Action or Prosecution for so doing.

and against falling Timber and Brush-wood.

Provided always, and be it enacted, That in making the said Cut or Canal from Armley, through Wortley and Holbeck, to Leeds Bridge, the said Cut or Canal shall

How the Canal is to be made through Lord *Irwin's* Lands.

shall be carried by an Opening near the Quiet Shot House belonging to Joseph Dennison, in the said Township of Holbeck, through the South East Corner of Foot Ball Close, and the South End of a Piece of Garden Ground belonging to the Right Honourable Charles Lord Viscount Irwin, in the Occupation of Andrew Hollingworth, or his Under-tenants, and not through any other Lands or Tenements of the said Lord Irwin.

Houses may be taken down, and Gardens cut through, &c.

And whereas the several small Dwelling-houses or Cottages, and a Barn herein after particularly mentioned, situate on the Line of the said Cut or Canal, must necessarily be taken down, and also the several Gardens and Orchards herein after also mentioned must necessarily be cut through; be it therefore further enacted, That it shall and may be lawful to and for the said Company of Proprietors, or their Agents, Servants, or Workmen, for the Use of the said Navigation only, to take down and cut through Three certain Dwelling-houses or Cottages adjoining together, and the Gardens thereunto respectively belonging, the Property of James Shuttleworth Esquire, situate, standing, and being at Padiham aforesaid, and now or late in the Possession or Occupation of Henry Jones, and others; and also a certain other Dwelling-house or Cottage and Garden thereunto adjoining, in the Occupation of Henry Smith, late of and belonging to William Whittaker Gentleman, also situate, standing, and being in Padiham aforesaid; and also Two certain other Dwelling-houses or Cottages and Gardens thereunto respectively adjoining, now in the Occupation of John Birtwisle and John Bailey, and belonging to his Grace the Duke of Devonshire, situate, standing, and being in Skipton aforesaid; and also a certain other Dwelling-house or Cottage, and Garden thereunto adjoining, of and belonging to Elizabeth Swire Widow, situate, standing, and being at Skipton aforesaid; and a certain other Dwelling-house of and belonging to John Rushworth Yeoman, situate and standing in Shipley aforesaid; and also a certain Barn or Outhousing of and belonging to Hargreaves Widow, situate and standing in Kildwick aforesaid; and also another certain Garden or Orchard of and belonging to Sir William Horton Baronet, lying and being in Armley aforesaid; and also to take down and remove any Walls, Sheds, or Pigsties, of or belonging to the said Houses; and to make the said Cut or Canal, and Towing-paths, and other Conveniencies, in, over, through, or upon the Grounds where such Houses and Buildings, Walls, Gardens, and Fences now respectively stand or are,

are, first making Satisfaction for the same, in such Manner as is directed to be made with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act.

Lands may be entered for making Surveys.

And be it further enacted, That it shall and may be lawful to and for the Agents and Servants of the said Company of Proprietors, from Time to Time, and at all Times hereafter, to enter upon the Lands or Grounds of the said several Persons, Bodies Politick, Corporate, or Collegiate, through which the said Cut or Canal, Roads, Ways, and other Works hereby authorised are intended to be made, in order to survey and take a Level of the same, and to set out and ascertain such Parts thereof respectively as they shall think necessary or proper for the making such Cut or Canal, Roads, Ways, and other the Matters and Conveniencies aforesaid; such Agents and Servants making Satisfaction for the Damage they shall do thereby to the Occupiers of such Lands or Grounds for the Time being, in case the same exceeds the Sum of One Shilling.

Breadths of the Towing-paths.

Provided always, and be it further enacted, That the Land or Ground to be taken or used for such Cut or Canal, and Towing-paths, and the Ditches, Drains, and Fences, to separate such Towing-paths from the adjoining Lands, shall not exceed Twenty-six Yards in Breadth, (except in such Places where the said Cut or Canal shall be raised higher or cut above Five Feet deeper than the present Surface of the Land, and in such Places where it shall be judged necessary for Boats and other Vessels, to turn, lie, or pass each other); nor above Sixty Yards in Breadth in any of the said respective Places, (except at the Crossing of the River Calder near Whalley, and there not above One hundred and twenty Yards); nor shall any Land or Ground be set out, ascertained, contracted for, and sold for the Purposes of making any navigable Cut, Trench, or Sluice, to convey Coals, Goods, or other Things, to or from the said Cut or Canal, without the Consent of the Owner or Owners of the said Lands respectively, under his or their Hands in Writing first had and obtained; any Thing herein contained to the contrary notwithstanding.

Bodies Politick, &c. impowered to sell and convey to the Company of Proprietors.

And be it further enacted, That after any such Parts of the said Lands or Grounds shall be so set out and ascertained for making the said Cut or Canal as aforesaid, Roads, Ways, and other the Purposes and Conveniencies herein before mentioned, it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Cor-

porations Aggregate or Sole, Husbands, Guardians, Truſtees, Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Ideots, or Femes-covert, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, and to and for every other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands or Grounds which ſhall be ſo ſet out and aſcertained as aforeſaid, or any Part thereof, to contract for, ſell, and convey unto the ſaid Company of Proprietors, or to ſuch Perſon or Perſons as they ſhall nominate and appoint, for the Uſe of the ſaid Navigation, all or any Part of ſuch Lands or Grounds which ſhall, from Time to Time, be ſo ſet out and aſcertained as aforeſaid; and where, by making the ſaid Cut or Canal, the Property of any Land-owner ſhall be ſeparated into ſmall Parcels, ſo as to render the Occupation thereof inconvenient, it ſhall and may be lawful to and for ſuch Bodies Politick, Corporate, and Collegiate, and other Land-owners, under any Diſability as aforeſaid, by and with the Conſent of the Commiſſioners to be appointed as herein after mentioned, or any Five or more of them, to be teſtified by any Writing or Writings to be by them ſealed and delivered in the Preſence of, and atteſted by Two or more credible Witneſſes, to contract for, ſell, and diſpoſe of, or to convey in Exchange in lieu of other Lands, all or any Part of ſuch Lands or Grounds through which the ſaid intended Cut or Canal ſhall be made, to any Perſon or Perſons whomſoever, for ſuch Price or Prices in Money, or other Equivalent, as to the ſaid Commiſſioners, or any Five or more of them, ſhall ſeem reaſonable; and that all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, ſhall be valid and effectual in Law to all Intents and Purpoſes whatſoever; any Law, Statute, Uſage, or Cuſtom to the contrary thereof in any wiſe notwithſtanding: And all Bodies Politick, Corporate, or Collegiate, and all Perſons whoſoever ſo conveying or exchanging as aforeſaid, are hereby indemnified for what he, ſhe, or they, or any of them, ſhall reſpectively do by virtue of or in purſuance of this Act; and that all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, other than thoſe which concern any Purchaſe or Exchange between any ſuch reſpective Land-owners (ſo to be made

Conveyances to be inrolled.

as aforesaid) shall, at the Expence of the said Company of Proprietors, be inrolled with the Register for the West Riding of the said County of York, the Clerk of the Peace for the said County of Lancaster, and the Town Clerk of the Borough of Liverpoole, aforesaid respectively, as such Contracts, Agreements, Sales, Conveyances, and Assurances may relate to any Lands or Grounds within the said Counties and Borough respectively, and as the Case shall require; and true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; for which Inrolment, or Copy thereof, shall be taken the Sum of Threepence for every Two hundred Words, and so in proportion for any greater or less Number of Words, and no more.

Copies deemed Evidence.

Provided always, and be it enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges of any Lands which are of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the respective Courts of the Manors whereof such Lands are held, according to the Custom of the said Manors respectively; and shall remain and continue subject to such and the same Fines, Rents, and Services as are due and payable, or of Right accustomed, in such and the same Manner as if this Act had not been made; any Thing herein contained to the contrary notwithstanding.

For preserving Copyhold Rights.

And whereas Differences may arise between the said Company of Proprietors, and the several Owners of and Persons interested in any Lands, Grounds, Tenements, Hereditaments, Mills, or Waters, which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, touching the Purchase-money to be paid or Recompence to be made to them respectively; be it therefore enacted, That all Persons who have or shall have an Estate of Freehold or Copyhold in Lands, Tenements, or Hereditaments of the yearly Value of One hundred Pounds, within the County Palatine of Lancaster or the West Riding of the County of York, shall be, and are hereby appointed Commissioners for the settling, determining, and adjusting all Differences, Questions, and Matters which shall or may arise between the said Company of Proprietors, or any of them, and the several Proprietors of and Persons interested in any Lands, Grounds, Tenements, Hereditaments, Mills, or Waters that shall or may be affected or prejudiced by the Execution of any of the Powers

Commissioners for determining Differences.

Powers hereby granted; and they the said Commissioners, or any Five or more of them, acting in such Question, Matter, or Difference as shall arise, are hereby impowered, by Writing under their Hands and Seals, with the Consent of the Parties concerned, to determine and adjust, from Time to Time, what Sum or Sums of Money shall be paid by the said Proprietors, or any of them, either by annual Rent or Payment, or by a Sum of Money in gross, or other Satisfaction as herein after is mentioned, to and at the Election of such Bodies Politick, Corporate, or Collegiate, Person or Persons respectively who shall be so intitled or interested as aforesaid, for the absolute Purchase of the Lands or Grounds which shall be set out and ascertained as aforesaid for making the said Cut or Canal, or any Part thereof, and other the Purposes herein mentioned; and also to determine and adjust the Recompence to be made for any Damages which may or shall be at any Time or Times whatsoever sustained by such Bodies Politick, Corporate, or Collegiate, or any Person or Persons respectively, being Owners of or interested in any Mills, Lands, Grounds, Tenements, or Hereditaments, for or by reason of the severing or dividing the same, or the making, repairing, or maintaining, the said Cut or Canal, Trenches, Passages, Gutters, Watercourses, Roads, Ways or Sluices, or supplying the same, or any of them, with Water as aforesaid; or by the altering, diverting, taking away, or using any Springs, Streams of Water, or Watercourses flowing to or supplying with Water any Mill or Mills, or Engine or Engines for the working or getting of Coals or other Minerals; or by the flowing, leaking, or ouzing of the Water over or through the Banks of the said Cut or Canal, or Trenches, or over or through any Sluices, Passages, Gutters, or Watercourses which shall be made pursuant to the Powers hereby given for conveying and communicating Water to or from the said Cut or Canal; or by not cleansing the said Watercourses, Trenches, or Passages; or by turning or diverting any Streams or Brooks into the same; or by reason or means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, their Agents, Workmen, or Servants, in case such Price or Value Damages and Recompence respectively cannot be settled, adjusted, and agreed for by and between the said Company of Proprietors or their Agents for the Time being,

being, or any of them, and such Proprietor of and Persons interested in the said Lands and Grounds as aforesaid; and if the said Company of Proprietors, for and on the Part and Behalf of themselves, or any such Body Politick, Corporate, or Collegiate, or other Person or Persons so interested or intitled as aforesaid, for and on his, her, or their Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them made as aforesaid; and if any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons intitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase-money or annual Rent, or such Recompence as shall be so determined to be paid; or shall, upon Notice in Writing given to the Principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands or Grounds, for the Space of Twenty Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, or by reason of Absence shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment cannot treat for themselves, or make such Agreement as shall be convenient for promoting the Navigation and other Works aforesaid, or shall not produce and evince a clear Title to the Premises they are or shall be in Possession of, or to the Interest they claim therein; then, and in every such Case, the said Commissioners, or any Five or more of them, shall and they are hereby impowered and required, from Time to Time, to issue a Warrant or Warrants, under their Hands and Seals, to the Sheriff or Sheriffs of the said Counties of York and Lancaster for the Time being respectively in which the Matters shall arise; or in case such Sheriff or Sheriffs, his or their Under Sheriff or Sheriffs respectively, or either of them, shall happen to be One of the Company of Proprietors of the said Navigation, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in Question, then to the Coroner or Coroners within the said Counties of York and Lancaster respectively, not interested as aforesaid, commanding such Sheriff or Coroner respectively to impannel, summon, and return a Jury; and the said Sheriff or Coroner

Proprietors, &c. refusing to submit to Determination,

Commissioners to issue Warrants to Sheriff or Coroner to impannel a Jury.

respectively is hereby required accordingly to impanel, summon, and return a Jury of Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts at Westminster, to appear before the said Commissioners, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Nine, or more than Twenty Days after such Warrant shall be served upon the said Sheriff or Sheriffs, Coroner or Coroners respectively; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service (being so qualified as aforesaid) to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners, or any Five or more of them, are hereby impowered to summon and call before them all and every such Person and Persons as shall be thought necessary to be examined as Witnesses touching the Matter in Question; and the said Commissioners, or any Five or more of them, may order and authorise the said Jury, or any Six or more of them, to view the Place or Places, or Matter in Controversy; which Jury upon their Oath, to be administered by the said Commissioners, or any Five or more of them (which Oath, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Five or more of them, are hereby impowered to administer) shall enquire of, assess, and ascertain the Sum or Sums of Money or annual Rent to be paid for the Purchase of such Lands or Grounds, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid; and in so doing the said Jury shall take into Consideration the Damage or Inconvenience which may arise by means of any Bridges, Roads, or other Communication made necessary by reason of the said Canal, and to assess separate Damages for the same; and the said Commissioners, or any Five or more of them, shall give Judgement for such Purchase-monies, Rent, or Recompence so to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, or any Five or more of them, shall be binding and conclusive to all Intents

Jurors may be challenged.

and

and Purposes against the King's Majesty, his Heirs and Successors, and against all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever.

Penalty on Sheriff making Default.

Provided always, and be it enacted, That if any such Sheriff or Coroner, or his Deputy or Agent, shall make Default in the Premises, every such Person shall for every such Offence forfeit the Sum of Twenty Pounds: And if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined or to give Evidence; every Person so offending respectively, having no reasonable Excuse to be allowed by the said Commissioners, or any Five or more of them, shall for every such Offence forfeit and pay the Sum of Five Pounds; to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the said acting Commissioners, or any Five or more of them, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending; rendering the Overplus to the Owner thereof, after such Penalty and the Charges of such Distress and Sale shall be deducted.

Expence of Juries how to be borne.

Provided also, and be it enacted by the Authority aforesaid, That in all Cases where a Verdict or Assessment shall be given or made for the same Sum or more Monies, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or for any Damage to be done to any Lands, Grounds, Hereditaments, or Property of any Person or Persons whatsoever, than had been determined and assessed by the said Commissioners; that then all the Expences of summoning such Jury, and of taking such Inquest, shall be settled by the said Commissioners, or any Five or more of them, and be defrayed by the said Company of Proprietors: But if any Verdict or Assessment shall be given or made for a less Sum than had been previously determined or assessed by the said Commissioners as aforesaid; then, and in every such Case, the Costs and Expences of summoning such Jury, and taking such Inquest, shall be settled in like Manner by the said Commissioners, or any Five or more of them, and be borne or paid by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute.

Persons requesting a Jury, to enter into Bonds to prosecute.

Provided likewise, and be it further enacted, That all and every Person or Persons making Complaint, and requesting such Jury, shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for the summoning such Jury as aforesaid, first enter into a Bond to the Treasurer to the said Company of Proprietors for the Time being, in the Penalty of Fifty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury, and taking such Inquest, in case a Verdict shall be given for a less Sum than had been assessed by the said Commissioners before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or Damages as aforesaid.

Notice of Injury to Proprietors, before Complaint to the Commissioners.

Provided moreover, and be it further enacted, That the said Commissioners shall not, nor shall any of them, be obliged by virtue of this Act to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whatsoever for any Injury or Damage by him, her, or them sustained, or supposed to be sustained by virtue of this Act, unless Application hath been or shall be made in relation thereto, by or on Behalf of such Person or Persons, to the said Company of Proprietors, or to their known Agent or Agents, or to some Collector of the Tolls arising from the said Navigation in the County where the Cause of Complaint shall arise, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Damages, &c. to be ascertained previous to assessing Recompence.

Provided always, and be it enacted, That nothing herein contained shall extend to impower the said Commissioners, or any Jury or Juries to be impanelled by virtue of this Act, to proceed to the ascertaining or assessing any Recompence or Damage which shall or may be sustained as aforesaid, until the Bridges, Roads, and other Communications over, under, or through the said intended Canal, for the Occupations of the Lands and Grounds contiguous thereto, shall be ascertained and fixed, in respect as well as to the Number as Situation of such Bridges, Roads, and other Communications; any Thing herein contained to the contrary notwithstanding.

Upon Payment or Tender of the Monies, Proprietors may enter on Lands, and cut, dig, &c.

And be it further enacted, That upon Payment of such Sum or Sums of Money, or annual Rent, as shall be contracted and agreed for between the Parties, or determined and adjusted by the said Commissioners, or any Five or more of them, or assessed by such Juries in Manner

ner respectively as aforesaid, for the Purchase of any such Lands or Grounds as aforesaid, to the Proprietors thereof, or other Persons intitled to receive such Money or Rent respectively, or legal Tender thereof made to such Proprietor or Proprietors, or other Person or Persons, or to the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, at any Time after the same shall have been so agreed for, determined, or assessed; or if he, she, or they, cannot be found, or shall refuse to accept such Money or Rent, upon Payment thereof to such Person or Persons as the said Commissioners, or any Five or more of them, shall by Writing under their Hands appoint, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Proprietors or Persons respectively as aforesaid; then, and in such Case, such Lands and Grounds respectively, and the Fee-simple and Inheritance thereof, shall from thenceforth be vested in and become for ever the sole Property of the said Company of Proprietors, to and for the Use of the said Navigation, but to or for no other Use or Purpose whatsoever; and then, but not before, it shall and may be lawful to and for the said Company of Proprietors, their Agents, Servants, and Workmen, immediately to enter upon the same, and to dig, cut, trench, sough, and remove Earth, Stone, Rubbish, Trees, Roots of Trees, and all other Obstructions for the making, using, maintaining, and repairing the said Cut or Canal, and Towing-paths on the Sides thereof, in or upon such Lands, Tenements, or Hereditaments; for which such Satisfaction shall be determined or assessed as aforesaid; and thereupon to make, erect, or do any Works, Matters, or Things for the effecting and carrying on the said Navigation, and for the supporting and maintaining the same, as the said Company of Proprietors shall think requisite; and to have, use, and enjoy the same to and for their own Use and Benefit for the Purpose of the said Navigation; and this Act shall be sufficient to indemnify as well the said Commissioners as the said Company of Proprietors, and their Agents, Servants, and Workmen, for what they or any of them shall do by virtue of the Powers hereby granted.

Verdicts, &c. to be recorded.

And be it further enacted, That all Determinations of the said Commissioners, or any Five or more of them, which shall be submitted to and acquiesced in and by the Parties concerned, and also the said Verdicts and Judgements, being first signed by Five or more of the said Commissioners who shall be present at the making of such Determinations, or the taking of such Verdicts, and

pronouncing of such Judgements respectively, shall be transmitted to and kept by the said Register of the said West Riding of the said County of York, the said Clerk of the Peace for the said County of Lancaster, and the said Town Clerk of the said Borough of Liverpoole respectively, as the same Verdicts and Judgements relate to or concern any Matters arising within the said Counties and Borough respectively, and as the Case shall require, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, as also the Inrollments of such Contracts, Agreements, Sales, and Conveyances, as are herein before mentioned, paying for each Inspection the Sum of One Shilling; and to take Copies thereof without Stamps, paying for every Copy, not exceeding Two hundred Words, the Sum of Three-pence, and so in proportion for any Number of Words; and immediately on such Payment, and Entry of such Verdicts, Judgements, Sentence, Decrees, Orders, and other Proceedings of the said Court and Juries, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity of the Person or Persons for whose Use such Money or Rent shall be paid, in, to, and out of the said Lands, Tenements, Hereditaments, and Premises, shall vest in the said Company of Proprietors; and they shall respectively be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person, having an Estate in the Premises, had actually conveyed the same to them by Lease and Release, Bargain and Sale, Deed inrolled, Feoffment with Livery of Seisin, Fine and Recovery, or other legal Conveyance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person, or Persons to whose Use such Payment shall be made, but also shall extend to and be deemed and construed to bar the Dower or Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail, in Reversion or Remainder, against the Issue or Issues of such Person and Persons, and every Person claiming under them, as effectually as a Fine and Recovery, or either of them, would have done, if the same had been levied or suffered by the proper Parties in due Form of Law.

Copies deemed Evidence.

On Payment of Purchase-money, Lands, &c. to vest in Proprietors, &c.

In bar of Dower, &c.

And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate,

or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for or on Behalf of any Infants, Lunaticks, Ideots, Femes-covert, or other Cestuique Trusts, or to any Person or Persons whose Lands are limited in strict Settlement, for the Purchase or Exchange of any Lands or Grounds aforesaid, shall, in case the same exceed the Sum of Twenty Pounds, by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons so seised of Lands or Grounds limited in strict Settlement, be laid out, as soon as conveniently may be, in the Purchase of Lands, Tenements, and Hereditaments in Fee-simple, and conveyed to or to the Use of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or such other Person or Persons as aforesaid, and for such Estates, and to, for, upon, and subject to such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands and Grounds, for or in respect whereof such Purchase-money or Monies received in Exchange shall be so paid as aforesaid, were limited, settled, and assured, at the Time such Purchase-monies were so agreed for, ascertained, or assessed respectively as aforesaid, or so many of such Uses as shall be then existing and capable of taking Effect; such Conveyances and Settlements to be made at the Expence of the said Company of Proprietors; and in the mean Time, and until such Purchase and Purchases shall be made, the said Monies, together with such other Sum or Sums of Money to be paid for the Purchase of Lands or Hereditaments which shall not amount to Twenty Pounds afore mentioned, shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the publick Funds, or on Government or real Securities, in the Names of Two or more Persons, to be nominated by the Party or Parties interested therein, and to be approved by the said Commissioners, or any Five or more of them; and as well the Interest arising or to be produced from such Funds or Securities, as also the annual Rent of such Lands, Grounds, Mills, Tenements, or Hereditaments, where a Rent shall be fixed upon as aforesaid, shall be paid to such Person or Persons respectively as would, for the Time being, be intitled to the Rents and Profits of such Lands, Tenements, and Hereditaments so to be purchased,

Purchase-monies to Corporations and Trustees, to be laid out to the same Uses;

and, in the mean Time, invested in the Publick Funds.

chaſed, in caſe the ſame were purchaſed and ſettled purſuant to the Tenor and Meaning of this Act; and ſuch annual Rent ſhall be a Rentcharge upon the Tolls, Rates, and Duties herein after authoriſed to be taken by the ſaid Company of Proprietors.

Commiſſioners to apportion the Money to be paid to the ſeveral Perſons intereſted.

And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, may, and are hereby impowered to ſettle what Shares and Proportions of the Purchaſe-monies, or Recompence for Damages, which ſhall be ſo agreed for between the ſaid Company of Proprietors, or any of them, or determined and adjuſted by the ſaid Commiſſioners, or any Five or more of them, or aſſeſſed by the ſaid Juries in Manner reſpectively as aforeſaid, ſhall be allowed to any Tenant or other Perſon having a particular Eſtate, Term, or Intereſt in the Premiſes, for his, her, or their reſpective Intereſts therein; except in ſuch Caſes where the ſame are herein directed to be laid out and inveſted in the Purchaſe of Lands, Tenements, or Hereditaments.

In Default of Payment, Rates to be liable.

And be it further enacted, That in Default of Payment of ſuch Sum or Sums of Money, and at ſuch Times, and in ſuch Manner, as ſhall be aſſeſſed and awarded for Damages of any Kind by virtue of this preſent Act by the ſaid Commiſſioners, or any Five or more of them, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, to appoint One or more Perſon or Perſons to receive the Tolls, Rates, and Duties by this Act impoſed; and thereout, in the Firſt Place, to pay all ſuch Damages ſo to be determined or aſſeſſed as aforeſaid, with the Coſts, if any, occaſioned by ſuch Refuſal or Default of Payment; and the Money ſo to be received by ſuch Perſon or Perſons, ſhall and is hereby declared to be as ſo much Money received to the Uſe of ſuch Perſon or Perſons who ſhall be intitled to receive ſuch Satisfaction for Damages as aforeſaid, in Order and Courſe reſpectively, as ſuch Determination ſhall be in Priority of Time; and after ſuch Damages and Coſts ſhall be paid and ſatisfied, the Power and Authority of ſuch Receivers, for the Purpoſes aforeſaid, ſhall ceaſe and determine; or otherwiſe, ſuch Party or Parties ſo aggrieved ſhall and may have a Remedy for ſuch Sum and Sums of Money, ſo to be aſſeſſed and awarded, which ſhall not be paid according to the Judgement of the ſaid Commiſſioners, or any Five or more of them as aforeſaid, by Action at Law, in any of his Majeſty's Courts of Record at Weſtminſter, againſt the ſaid Company of Proprietors, to recover the ſame with Coſts of Suit, as between Attorney and Client.

Provided

If Damages and Costs not paid within a limited Time, to be levied upon the Company.

Provided always, and be it further enacted, That in case the Damages and Costs by this Act provided to be satisfied out of the Tolls arising by the said intended Navigation, shall not be paid and satisfied within the Space of Four Calendar Months after the same shall be so determined or assessed as aforesaid; that then, and in such Case, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, upon Complaint made to them, by or on the Behalf of the Person or Persons sustaining such Damage, to issue their Warrant or Warrants under their Hands and Seals, to the Sheriffs of the said Counties of York and Lancaster respectively, as the Case shall be, authorizing and impowering him to raise or levy the Damages, so to be determined and assessed, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, or any of them, together with such reasonable Charges as the said Commissioners, or any Five or more of them, shall, in such Warrant, direct and appoint.

Punishment of Persons destroying the Works.

And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Banks or other Works to be erected or made by virtue of this Act, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining the intended Navigation, such Person or Persons shall be adjudged guilty of Felony, and every such Felon shall be subject to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person or Persons shall be tried and convicted, shall and hereby have Power and Authority to transport such Person or Persons to any of His Majesty's Plantations in America, in like Manner as other Felons are directed to be transported by any of the Laws and Statutes of this Realm; or, in Mitigation of such Punishment, may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Mines, &c. reserved to the Lords of Manors, &c.

Provided always, and be it further enacted, That nothing herein contained shall extend to defeat, prejudice, or affect the Right of any Lord or Lords of any Manor or Manors, Common or Waste Ground, or of any Owner or Owners of any Land or Grounds in, upon, or through which the said Cut or Canal, Towing-paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or Conveniencies aforesaid, or any of them, shall be made, to the Mines, Minerals, or Quarries lying or being within or under the Lands or Grounds to be set out or

made use of for such Cut or Canal, Towing-paths, Wharfs, Quays, Trenches, Sluices, Passages, or Watercourses, or other Conveniencies aforesaid, or any of them; but all such Mines, Minerals, and Quarries, are hereby reserved to such Lord or Lords of such Manor or Manors, or of such Common or Waste Grounds, and to such Owner or Owners of such Lands or Grounds respectively, their Heirs or Assigns; and that it shall and may be lawful to and for the Lord or Lords of such Manor or Manors, Common or Waste Ground, or such Owner or Owners of such Lands or Grounds respectively (subject to the Conditions and Restrictions herein contained) to work, get, drain, take, and carry away, to his, her, and their own Use, such Mines, Minerals, and Quarries; not thereby injuring, prejudicing, or obstructing the said Cut or Canal, Towing-paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or other the Conveniencies aforesaid, or any of them; any Thing herein contained to the contrary notwithstanding.

Coals, &c. found in digging the Canal, may be taken by Proprietors of Lands.

Provided always, and be it further enacted, That all Lime and other Stone, Clay, Marl, Coals, and other Minerals, which shall be found and dug up in making, carrying on, and completing the said Cut or Canal, or any other Works hereby authorised to be made, carried on, and completed, shall be laid upon the Surface of the Lands in some convenient Place near the said Works, at the Expence of the said Company of Proprietors, (save and except such Lime and other Stone, Clay and Marl, as shall be used in and about the Works of the said Canal); and it shall and may be lawful to and for the Person or Persons respectively, in whose Land or Ground the said Lime or other Stone, Clay, Marl, Coals, and other Minerals, shall be found and dug up, or other Person or Persons intitled thereto, to take, carry away, and dispose of the same (save as aforesaid) to and for his and their Use and Benefit;

Proprietors of Mines may make Drains.

and that it shall and may be lawful to and for the said Owner or Owners of any such Mine, Quarry, or Minerals, which shall or may be discovered or cut in any Tunnel or Aqueduct which shall be made by virtue of this Act, to make a Sough or Soughs, Drain or Drains, to unwater or drain the remaining Part of such Mines, Quarries, Minerals, or Clay Pits, and to discharge the Water arising and flowing from the same into or under such Tunnel or Aqueduct; and for any Person or Persons to make a Cut, Canal, Sluice, or other Communication in and through their own

Lands

Lands and Grounds; and through the Banks or Towing-paths of the said Cut or Canal of the said Company of Proprietors, into the same; navigable and passable for Boats, Barges, and other Vessels, so that the Cut or Canal of the said Company of Proprietors be not injured thereby, for the Purpose of conveying the said Mines, Minerals, Quarries, or any other Commodities by and along the said Canal; provided that such Settling-places be made at convenient Distances in such Soughs or Drains, as shall be approved and directed by the said Company of Proprietors, or their principal Engineer for the Time being, and cleansed as often as shall be necessary at the Expence of the Person or Persons making the same, in order to prevent the Mud and Earth from being conveyed into such Tunnel or Aqueduct.

Coal-mines not to be worked to the Prejudice of the Canal.

Provided also, and be it enacted, That if the Owner or Worker, Owners or Workers of any Coal-mine or Coal-mines, shall, in pursuing such Mine or Mines, work near or under the said Cut or Canal, so as, in the Opinion of the said Company of Proprietors, to endanger or damage the same, or, in the Opinion of the said Owner or Worker, or Owners or Workers of the said Mine or Mines, to endanger or damage the further working thereof; then it shall and may be lawful for the said Company of Proprietors to treat and agree with the Owner or Worker, Owners or Workers, for all such Coals as may be within such Space near or under the said Cut or Canal, as shall be thought proper to be left for the Security and Preservation of the said Cut or Canal, or Mine or Mines as aforesaid; and in case the said Company of Proprietors, and such Owner or Worker, Owners or Workers of such Mine or Mines, shall disagree in the Satisfaction to be made for such Coals, then it shall and may be lawful to and for the said Commissioners, or any Five or more of them, at the Request of the said Company of Proprietors, or of such Owner or Worker, Owners or Workers of such Mine or Mines, to cause a Jury to be summoned and impanelled in the Manner herein before directed, who shall, and they are hereby authorised and required, by such Ways and Means as aforesaid, to assess and determine what Satisfaction such Owner or Worker, Owners or Workers of such Mine or Mines, ought to have and receive from the said Company of Proprietors for being restrained from working such Mine or Mines; and upon Payment or Satisfaction made to such Owner or Worker, Owners or Workers, of such Mine or Mines, by

by the said Company of Proprietors, according to the Verdict or Judgement of such Jury, such Owner or Worker, Owners or Workers, of such Mine or Mines, shall be, and they are hereby perpetually restrained from further working such Mine or Mines within the Limits for which such Satisfaction shall, by the said Jury, be adjudged and declared to extend.

Commissioners to settle Proportions between Owners and Tenants.

Provided always, and be it further enacted, That the said Commissioners, or any Five or more of them, may and are hereby impowered to settle what Shares or Proportions, of the Satisfaction to be made as aforesaid, shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises for his or their Interest therein.

Proprietors may raise Money to carry on their Works.

And, to the End that the said Company of Proprietors may be enabled to carry on so useful an Undertaking, be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to raise and contribute amongst themselves, and in such Proportion as to them shall seem meet and convenient, a competent Sum of Money for making and completing the said navigable Cut or Canal, Roads, and other Ways, Works, and Conveniencies; provided that the said Sum doth not exceed the Sum of Two hundred and sixty thousand Pounds in the Whole (except as herein after mentioned); and that the same be divided into such Number of Shares as herein after directed, each Share not exceeding One hundred Pounds; and that no Person subscribing thereto, or becoming a Proprietor in such Navigation, do become a Proprietor of less than One Share; and the Money so to be raised is hereby directed and appointed to be laid out and applied, in the first Place, to pay off and discharge all Expences incurred in an Application to Parliament in the last Session for an Act for making such intended Canal, and of making Surveys, Plans, and Estimates, and doing and providing all other Matters and Things preparatory and previous thereto, and for and towards the Payment, Discharge, and Satisfaction of all Fees and Disbursements for applying for, obtaining, and passing this present Act of Parliament, and all other necessary Expences relating thereto; and all the Residue and Remainder of such Money, for and towards making, completing, and maintaining the said navigable Cut or Canal, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

Capital to be divided into Shares.

Application thereof.

And

And be it further enacted, That the said Sum of Two hundred and sixty thousand Pounds, or such Part thereof as shall be raised by the several Persons herein before named, and by such other Person or Persons who shall or may at any Time within One Year from the passing of this Act become a Subscriber or Subscribers to the said Navigation, shall be divided and distinguished into Two thousand six hundred equal Parts or Shares, at a Price not exceeding One hundred Pounds per Share; and the said Two thousand six hundred Shares shall be and are hereby vested in the several Persons before mentioned, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they and each of them shall severally subscribe and pay thereunto; and all and every the said Shares shall be deemed to be Personal Estate, and transmissible as such; and all Bodies Politick and Corporate, and every Person and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Navigation, shall be intitled to and receive, after the said Navigation shall be completed, the intire and neat Distribution of One Two thousand six hundredth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received by the Authority of this Act, and so in proportion for any greater Number of Shares; and every Body Corporate or Politick, Person or Persons, having such Property of a Two thousand six hundredth Part or Share in the said Undertaking, and so in proportion as aforesaid, shall bear and pay an adequate proportional Sum of Money towards carrying on the said Undertaking, in Manner herein after enacted, directed, and appointed.

The Money to be raised to be divided into 2600 Shares,

and deemed Personal Estate.

Provided always, and be it enacted, That in case any Person or Persons in this Act named as a Proprietor or Proprietors, shall be desirous to cease to continue such, and shall, at the First Meeting of the said Proprietors appointed by this Act, give Notice in Writing, signed by him, her, or them, of such his, her, or their Intention to the said Company of Proprietors; then, and from thenceforth, such Person or Persons giving such Notice or Notices shall be considered as discharged

Subscribers, on giving Notice, may withdraw their Subscriptions.

charged from any Subscription or Subscriptions which may have been made or entered into by him, her, or them, towards effecting the Purposes of this Act, as fully and effectually to all Intents and Purposes as if he, she, or they, had not been named as a Proprietor or Proprietors in this Act.

Proprietors not to begin any Works till the Sum of 200,000 *l.* be subscribed.

Provided also, and be it further enacted, That nothing herein contained shall extend to authorise the said Company of Proprietors to begin any Works in pursuance of this Act, before there shall be a sufficient Number of Proprietors admitted, who shall have subscribed to the Amount of Two hundred thousand Pounds.

Persons whose Land shall be used, may subscribe the Purchase money within 3 Months after Land set out.

And be it further enacted, That it shall and may be lawful to and for every Person and Persons whose Lands or Grounds shall be used and taken for any of the Purposes of the said Cut or Canal (Bodies Politick and others whose Purchase-monies are herein before particularly directed to be laid out in the Purchase of other Lands, or placed in some of the publick Funds, or on Government or Real Security, only excepted) to advance and contribute all or any Part of their respective Purchase-monies, so to be paid for their respective Lands or Grounds to be used for the Purposes of this Act, and to become a Proprietor or Proprietors in the said Undertaking for the same; provided that such Person or Persons, who shall be desirous of becoming a Proprietor or Proprietors, shall give Notice in Writing of such his or their Intentions to the said Company of Proprietors, or their Clerk for the Time being, within Three Calendar Months after the said Lands or Grounds shall be ascertained and set out for the Purposes of the said Cut or Canal, and a Value shall have been set and fixed upon the same; provided that such respective Purchase-monies shall and do amount to One whole Share, or a certain Number of such Shares, as herein before mentioned; any Thing herein before contained to the contrary notwithstanding.

If Money subscribed be insufficient to complete the Navigation, Proprietors may increase their Subscriptions 60,000 *l.*

And be it enacted, That in case the said Sum of Two hundred and sixty thousand Pounds, herein before authorised to be raised, shall be found insufficient for the making, completing, and maintaining the said navigable Cut or Canal, and other the Works hereby authorised to be made, and all necessary Charges and Expences relating thereunto; then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors to raise and contribute amongst themselves, in Manner and Form aforesaid, any further or other

Sum

Sum of Money for completing and maintaining the said Navigation, not exceeding the Sum of Sixty thousand Pounds; and every Subscriber towards raising such further or other Sum shall have a like Vote by himself or Proxy, in respect of every such Share in the said additional Sum so to be raised, except as herein after is excepted; and shall also stand interested in all the Profits and Powers of the said Navigation, proportionably to the Sum he or they may subscribe thereto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum or Sums hereby allowed to be subscribed for and raised, had originally been Part of the said Two hundred and fifty thousand Pounds; any Thing herein contained to the contrary thereof in any wise notwithstanding.

Proprietors to receive 5 *l. per Cent.* Interest, till Canal is finished.

And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby required, out of the Money to be raised as aforesaid, during the Time the said Canal, and all Things necessary for making and maintaining the same, shall be carrying on, and until the same shall be completed and finished, to pay unto every Body Politick or Corporate, Person or Persons, their several and respective Successors, Executors, Administrators, or Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums of Money as shall from Time to Time be demanded in respect thereof, towards carrying on and completing the said Navigation, Interest for the same, after the Rate of Five Pounds for every One hundred Pounds for a Year, from the Time that each of such Sum or Sums shall be so respectively advanced as aforesaid.

Subscribers to have a Vote for every Share,

And be it further enacted, That every Body or Bodies Politick or Corporate, or other Person or Persons, who shall, by virtue of this present Act, have subscribed or undertaken for One Share of the said Navigation, shall be deemed a Proprietor for so much, and shall have a Vote in every publick Meeting or Assembly to be held as hereafter appointed for carrying on the said Undertaking, which may be given by him, her, or them, or by his, her, or their Proxy or Proxies (such Proxy or Proxies being a Proprietor or Proprietors in the said Navigation, duly constituted under his, her, or their Hand and Seal); and such Vote or Votes by Proxy shall be good and sufficient to all Intents and Purposes, as if such Principal or Principals had voted in Person: And any Body or Bodies Corporate or Politick, Person or Persons, who shall have One or more such Share,

by themselves or Proxy,

or

or Shares, shall have Liberty, by him, her, or themselves, or by his, her, or their Proxy or Proxies, regularly constituted as aforesaid, to give One Vote for each such Share not exceeding Fifty Shares for any One Person, and for which he, she, or they shall be a Subscriber, or become a Proprietor as aforesaid; and whatever Question, Election of Officers, or other Matters or Things shall be proposed, discussed, or considered in any publick Assembly to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present; provided that no Person shall be Proxy for more than Fifty Shares.

No Proxy for more than 50 Shares.

Times and Places of General Meetings.

And be it further enacted, That the First General Assembly or Meeting of the Proprietors for putting this Act into Execution shall be held at the Black Horse Inn, in Skipton aforesaid, upon the Twentieth Day of June One thousand seven hundred and seventy; and the Second General Meeting shall be held at the Black Bull Inn, in Burnley aforesaid, upon the last Friday in August then next ensuing; and the like General Assemblies or Meetings shall be held on the last Friday in the Month of September and March in every Year for the future, at or before the Hour of Eleven of the Clock in the Forenoon, in the Counties of York and Lancaster alternately, at such Places in each County as the said Proprietors, at each next preceding Meeting, shall appoint: At which said First Meeting the Proprietors assembled, together with such Proxies as shall be then present, shall choose Twenty-three Persons, each of whom shall be for the Time being Proprietors of Five or more Shares in the said Navigation; which Persons, so chosen, shall be a Committee to manage the Affairs of the said Company of Proprietors in such Manner as is herein after directed, and as shall from Time to Time be ordered by such General Assemblies as aforesaid: But if at any Time it shall appear to any Twenty or more of such Proprietors, that, for the more effectual putting this Act in Execution, a special Meeting of Proprietors is necessary to be held; it shall be lawful for such Twenty or more of them, to order the Clerk of the Proprietors for the Time being, and who is hereby required to cause Notice to be given thereof in the Leeds and Liverpoole Weekly Papers, or in such Manner as the said Proprietors shall at any General Meeting direct or appoint; declaring in such Notices the Place where, and the Time when, such Meeting is to be held, the same not being less than Fourteen Days after such

Committee to be appointed.

Special Meetings may be appointed.

Notice given, and likewise specifying in every such Notice the Reason and Intention of such Meeting; and the Proprietors are hereby authorised to meet pursuant to such Notices, and proceed to the Execution of the Powers by this Act given them, with respect to the Matters so specified only; and all such Acts of the Proprietors, at such Meetings, shall be as valid, to all Intents and Purposes, as if the same were done at Meetings held in Manner herein before appointed.

Committee to be under the Controul of the General Assembly.

Provided always, That such Committee shall, from Time to Time, be subject to the Examination and Controul of the said General Assembly, or other Meetings of the said Proprietors as aforesaid; and shall pay due Obedience to all such Orders and Directions in and about the Premises, as they shall, from Time to Time, receive from the said Proprietors, at any such General or Special Assembly or Meeting; such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Books to be kept.

And be it further enacted, That the Book and Books in which all the Accounts relating to the said Undertaking and Navigation shall be stated and settled, and all other Matters relating thereunto, shall be deposited and locked up in a Chest or Box, Chests or Boxes, to be kept at such Place or Places as the said Company of Proprietors shall from Time to Time direct; and the Key or Keys thereof the Committee for the Time being shall have in their Custody or Power; and every Proprietor or Proprietors, upon every reasonable Desire, shall have free Access to the same for his, her, or their Inspection.

General Assemblies for Choice of Committe, to consist of 800 Shares.

Provided always, That if at any such General or Special Assembly there shall not be Persons present who have Eight hundred such Shares as aforesaid, either as Principals or Proxies, no Choice of a Committee shall be made at that Time; but in such Case there shall be a new Assembly of the Proprietors of the said Navigation at the same Place upon that Day Three Weeks following; and such Choice shall be then made of Persons to be of the Committee, as ought to have been made on the Day herein before appointed, had there then been a sufficient Number of Votes present; and the Persons then chosen to be of the said Committee shall have the same Power which they would have had, and continue in such Offices until such Time as they would have done, had they been chosen on the said Day herein before appointed; and that in Case of Failure of the Meeting of the Persons, having

Eight hundred Votes as Principals or Proxies, at such First Meeting, the whole Number of Principals who shall not be present at such Second Meeting, by him, her, or themselves, or his, her, or their Proxies, shall forfeit to the said Company of Proprietors for every such Share which he, she, or they shall then have in the said Navigation and Undertaking, the Sum of Five Shillings for each Share in the said Undertaking; to be stopped out of such Payment of Interest, or out of the next Dividend of the Profits of the said Undertaking, as the Case may happen.

Penalty on Non-attendance.

And be it further enacted, That the Company of Proprietors at every such General Assembly shall have Power to call for, audit, and settle all Accounts of Money laid out and disbursed, on account of the said Navigation, with the Receiver or Receivers, and other Officer or Officers to be by them appointed, or any other Person or Persons whatsoever employed by or concerned for or under them in and about the aforesaid Navigation; and to that Purpose shall have Power to adjourn themselves over from Time to Time, and from Place to Place, as shall be thought convenient; and every General Assembly, or such Committee, met together by the Authority of this Act, shall have Power from Time to Time to make such Call or Calls of Money from the Proprietors of the said Navigation, to defray the Expences of or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no Call do exceed the Sum of Ten Pounds for every One hundred Pounds, and so as no Calls to that Amount be made but at the Distance of Three Calendar Months at least from each other; which Money so called for shall be paid to such Person or Persons, and in such Manner, as the said General Assembly shall from Time to Time appoint and direct, for the Use of the said Undertaking; and such Committee shall, until the next Annual or other General Assembly, to be holden in Manner as aforesaid, have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands, Liberties, and Materials for the Use of the said Navigation, as in employing, ordering, and directing the Work and Workmen, and in placing and displacing Under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking; so that no such Purchase, Bargain, or other Matter be done or transacted without the Concurrence of a major Part of so

Power of General Assemblies.

Power of Committee.

many of the said Committee as shall be then and there assembled, such major Part consisting of no less than Five Persons; and every the Owner or Owners of One or more Part or Parts, Share or Shares in the said Undertaking, shall pay his, her, or their Shares and Proportions of the Monies to be called for as aforesaid at such Time and Place as shall be appointed, of which Three Calendar Months Notice at least shall be given by publishing the same in the Leeds and Liverpoole Weekly Papers, or in such Manner as the said Proprietors shall at any General Assembly direct or appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money so called for as aforesaid, at the Time and Place appointed by such General Assembly or Committee, he, she, or they, so neglecting or refusing, shall forfeit the Sum of Five Pounds for every One Hundred Pounds of his, her, or their respective Share and Shares, Parts and Interests in the said Navigation, Undertaking, and Premises; and in case such Person or Persons shall neglect to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Two Months after the Time appointed for Payment thereof as aforesaid, then he, she, or they so neglecting, shall forfeit his, her, and their respective Share and Shares, Parts and Interests in the said Navigation, Undertaking, and Premises, and all the Profit and Benefit thereof; all which Forfeitures shall go to the rest of the Company of Proprietors of the said Navigation, in Trust for, and for the Benefit of all the rest of the said Proprietors, in proportion to their respective Interests.

Penalty on Subscribers neglecting to make their Deposits.

Provided always, That no Advantage shall be taken of any Forfeiture of any Share or Shares of the said Undertaking, till after personal Notice to the Owner, nor unless the same shall be declared to be forfeited at some General Assembly of the Company of Proprietors, who shall meet within Six Calendar Months next after such Forfeiture shall happen to be made; and every such Forfeiture shall be an Indemnification to and for every Proprietor or Proprietors so forfeiting, against all Action and Actions, Suits and Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract or other Agreement betwixt such Proprietor or Proprietors so forfeiting and the rest of the Proprietors, with regard to the carrying on the said intended Navigation.

Subscribers to have Notice before they forfeit their Shares.

And be it further enacted, That the said Company of Proprietors for the Time being, shall always have Power

General Meetings may make Bye laws, &c.

et and Authority, at any General Assembly met as aforesaid, to remove or displace any Person or Persons chosen upon such Committee as aforesaid, or any other Officer or Officers under them, and to revoke, alter, amend, or change any of the Rules and Directions herein before prescribed and laid down with regard to their Proceedings amongst themselves, as to them shall seem meet (the Method of calling General or Special Assemblies, and their Time and Place of meeting and voting, and appointing Committees, only excepted); and shall have Power to make such new Rules, Bye-laws, and Orders for the good Government of the said Company, for the good and orderly using the said Navigation, Tunnels, and Locks, and for the well governing of the Bargemen, Watermen, and Boatmen, and others, who shall carry any Goods, Wares, and Merchandize upon any Part of the said Canal, and to impose and inflict such reasonable Fines or Forfeitures upon the Breakers of such new Rules, Bye-laws, or Orders, as to such General Assembly shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; such Fines or Forfeitures to be levied and recovered by such Ways and Means as are herein after mentioned; which said Rules, Bye-laws, and Orders, being put into Writing under the Common Seal of the said Company of Proprietors, shall be binding to, and observed by all Parties, and shall be sufficient in any Court of Law or Equity, to justify all Persons who shall act under the same.

Subscribers dying before Shares completed,

Provided also, and be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on each Share which he, she, or they shall have been possessed of or intitled to, without having made Provision, by Will or otherwise, how such Share and Shares shall be disposed of, and the Money paid in upon Calls for the future; then, and in such Case, the Executors and Administrators of any such Owner so dying, and the Trustee or Trustees, Guardian or Guardians of any Infant, or other Person or Persons whatsoever intitled to the Estate and Effects of such Owner deceased, shall be indemnified against all such Infant and Infants, and other Persons whatsoever, for paying any Sum of Money, when called for as aforesaid, to complete every such Subscription; and if such Owner deceased shall not have left Assets sufficient, or in case the Executor or Administrator, Trustee or Guardian, shall refuse or neglect to answer such Calls and Payments, the said Company of Pro-

Executors may complete the Payment.

prietors

prietors shall be, and are hereby, impowered, authorised, and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share and Shares of such Owner deceased, on Condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner, or the Trustee or Trustees, Guardian or Guardians of any Infant or others intitled to his or her Effects, the full Sum or Sums of Money which shall have been by such Owners in his or her Life-time, by virtue of any Call or Calls, or otherwise, advanced upon such Share or Shares; and in Default of such Calls being answered and made good in Manner aforesaid, it shall and may be lawful to and for the said Company of Proprietors, to sell and dispose of the Share or Shares of such deceased Owner, and pay and apply the Money arising by such Sale (after deducting the reasonable Charges occasioned by such Sale) to or for the Benefit of the Representative or Representatives of such deceased Owner.

How Shares may be disposed of.

And be it further enacted, That it shall and may be lawful to and for the several Proprietors of such Navigation, to sell and dispose of any Share or Shares he, she, or they, shall and may be intitled to therein, subject to the Rules and Conditions herein mentioned; and any Purchaser or Purchasers shall, for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Bargain and Sale or Conveyance made unto him, her, or them, and executed by such Person or Persons of whom he, she, or they, shall purchase the same; and also by the Purchaser or Purchasers; One Part whereof, duly executed both by the Seller and Purchaser, shall be delivered to the said Committee or their Clerk for the Time being, to be filed and kept for the Use of the said Company; and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for which no more than One Shilling shall be paid; and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Committee, and filed and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation, nor any Interest for his said Share paid unto him, her, or them, or any Vote as Proprietor or Proprietors.

After a Call, no Shares to be sold till the Money paid.

And be it further enacted, That after any Call of such Monies shall be made by the Authority of this Act, no Person or Persons shall sell or transfer any Share which

he, she, or they shall then have in the said Undertaking, until the Monies called for upon their respective Share or Shares, so to be sold, shall be paid, upon the Penalty of forfeiting his, her, or their respective Shares of the said Undertaking, to the said Company, in Trust for the Benefit of all the said Proprietors; unless the Person or Persons who shall be Vendor or Vendors shall, at the Time of such Transfer, pay the Money called for upon each Share so transferred to the Treasurer of the said Company; such Forfeiture nevertheless to be notified and declared at a General Assembly in Manner above directed.

And be it further enacted, That the Conveyance for the Sale of the said Shares shall be in the following Form; to wit,

Form of Transfer of Shares.

I *A B*, in Consideration of paid to me by *C D*, do hereby bargain, sell, and transfer to the said *C D*, his Executors, Administrators, and Assigns, Share or Shares *(as the Case is)* of the Undertaking of the Canal Navigation from *Leeds* to *Liverpoole*; to hold, to him the said *C D*, his Executors, Administrators, and Assigns, subject to the same Rules and Orders, and on the same Conditions, that I held the same immediately before the Execution hereof: And I the said *C D* do hereby agree to accept of the said Share or Shares of the said Undertaking, subject to the same Rules, Orders, and Conditions. Witness our Hands and Seals, the Day of in the Year of our Lord

Clerk to be appointed, and his Office.

And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, at any General Meeting assembled, and they are hereby authorised and required, from Time to Time, to nominate and appoint, by Writing under their Hands, a Person or Persons to be their Clerk or Clerks; who shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said intended Navigation, and of the several Persons who shall, from Time to Time, become Owners and Proprietors of, or intitled to, any Share or Shares of and in the said Navigation and Undertaking, and of all other the Acts, Proceedings, and Transactions of the said Company of Proprietors, by virtue of, and under the Authorities of this Act; and that each of the said Proprietors, Land Owners, and other

Persons interested, or concerned in, or affected by, the said Navigation, shall and may, at all convenient Times, have Recourse to, and peruse and inspect the same, and also the Book or Books to be kept by the Clerk or Clerks to the said Company, gratis; and may demand and have Copies thereof, or any Part thereof, paying Three-pence for every Two hundred Words to be copied; and if any such Clerk or Clerks shall refuse to permit any such Person or Persons, so interested as aforesaid, to inspect or peruse such Book or Books, or refuse to make such Copy or Copies, at the Rate aforesaid; he shall, for every such Offence, pay and forfeit the Sum of Five Pounds.

Clerk to enter the Proceedings in Books.

And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book or Books to be kept for that Purpose; and such Entries, being signed by such Number of the said Commissioners respectively as are impowered by this Act to make such Orders or carry on such Proceedings, shall be deemed Originals, and admitted as Evidence in all Courts whatsoever; and the said Commissioners, or any Five or more of them, may, and are hereby required, at their First Meeting, to appoint, out of Three Persons to be nominated by the said Company of Proprietors, such One of the said Three Persons as the said Commissioners shall think proper, to be their Clerk; and, from Time to Time, may remove any such Person; and on such Removal, or in case such Clerk shall die, or quit the Service of the said Proprietors, shall appoint another, out of Three to be nominated as aforesaid, in his Stead; which Clerk shall be paid for his Care and Trouble in the Execution of such Office by the Company of Proprietors.

If Commissioners disapprove of their Clerk, another is to be chosen by the Proprietors.

Rates of Tonage.

And be it further enacted, That in Consideration of the great Charges and Expences the said Company of Proprietors will be at, in making, maintaining, and supplying with Water the said Cut or Canal, and in making and maintaining all the other Works hereby authorised to be made and erected, it shall and may be lawful to and for the said Company of Proprietors, from Time to Time, and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Behoof, for Tonnage and Wharfage, for all Coal, Stones, Timber, Goods, Wares, Merchandizes, and Commodities whatsoever, which shall be navigated, carried, or conveyed upon or through the said Cut or Canal, such Rates and Duties as the said Company of Proprietors shall think fit, not exceeding the Sum of

One

One Halfpenny per Mile for every Ton of any Kind of Clay, Brick, or Stones; nor exceeding the Sum of One Penny per Mile for every Ton of Coal or Lime; and not exceeding the Sum of One Penny Halfpenny per Mile, for every Ton of Timber, Goods, Wares, Merchandizes, or other Commodities which shall be navigated, carried, or conveyed upon or through the said Cut or Canal, and so in proportion for a greater or less Quantity than a Ton: Provided always, That no more than One Farthing per Ton per Mile shall be paid for any Soap Ashes, Salt, Salt Screw, Foul Salt, and Grey Salt, Pigeons Dung, Rape, or Cole Seed, Dust, Rags, or Tanners Bark, to be used for the manuring the Lands of any Person whose Lands shall be cut through by the said Canal, such Lands lying in any Township through which the said Canal shall pass: Which said Rates and Duties shall be paid to such Person or Persons, at such Place or Places near to the said Cut or Canal, in such Manner, and under such Regulations, as the said Company of Proprietors shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rate and Duty, or any Part thereof, on Demand, to such Person or Persons as aforesaid, the said Company of Proprietors may sue for the same by Action of Debt, or upon the Case, in any Court of Record; or the Person or Persons to whom the said Tolls ought to have been paid, may, and he and they is and are hereby impowered to seise and detain any such Boat or Vessel or Goods, for or in respect whereof any Rates or Duties ought to be paid, or any Part of such Goods, and detain the same until Payment thereof, together with the reasonable Charges for such Seizure and Detainer; and if such Detainer shall not be redeemed within Five Days after the taking thereof, the same may be appraised and sold as the Law directs, in Cases of a Distress for Rent.

Rates may be levied by Distress, &c.

Distress may be sold after 5 Days.

Small Rubbish and Manure,

Provided also, and be it further enacted, That small Rubbish or waste Stones from Delfs and Quarries, and all Gravel and Sand to be employed for the Purpose only of making and repairing the Roads, not being Turnpike, in any Township, Village, or Hamlet, through which the said Canal shall be made, and which shall not be carried more than Five Miles on the said Canal, and also all Dung, Soil, Marl, Ashes of Coal and Turf, for the Improvement only of the Lands and Grounds in the Township, Village, Hamlet, or Place, through which the said Canal shall pass, of all and every Person and Persons whose Lands or Grounds shall or

may

may be had and taken for or on account of making the said Cut or Canal, or any Part thereof, shall not, nor shall any of them, be charged with or liable to pay any of the Rates, Duties, or Tolls, authorised to be taken by this Act for being carried upon the said Cut or Canal, Trenches, Sluices, or Passages, or any Part thereof, but shall be free and exempted from the same, so that the Things hereby exempted from the Payment of such Tolls or Duties do not pass through any Lock authorised to be made by virtue of this Act, but at such Times when the Water shall flow over the Gauge Paddle, or Mitch of such Lock; and also that such Person or Persons who shall own or be concerned or employed in carrying such Stones, Gravel, or Sand, for the making or repairing of Roads, or such Dung, Soil, Marl, or Ashes, shall have free Liberty to make use of the Towing-paths, Wharfs, or Quays, belonging to the said Company of Proprietors; such Person or Persons not suffering such Stones, Gravel, or Sand, for making or repairing Roads, or such Dung, Soil, Marl, or Ashes to lie upon such Wharfs or Quays longer than may be necessary for loading, unloading, and conveying the same from and to the several Places where they are put on board and unloaded, and making good any Damages that may be done to the Fences, Sides, Banks, or Towing-paths of the said Cut, Canal, or any Part thereof, by the loading, unloading, or discharging any Boats or other Vessels, or by the leading of such Materials to or from the Banks of the said Cut or Canal; which Recompence and Satisfaction, in case of any Difference, shall be settled and ascertained by the said Commissioners, or any Five or more of them; provided that any Persons so claiming Exemptions as aforesaid, shall give Notice to the nearest Toll-gatherer or Collector of such their Intentions to pass through any Lock, specifying the Locks through which he intends to pass upon the said Navigation Six Hours at least before such passing through such Locks as aforesaid; and any Person claiming any Exemptions as aforesaid, not being intitled thereto, or not giving Notice as aforesaid, or using or disposing of any of the Articles so exempted in any other Manner than as before directed, and being convicted thereof before One Justice of the Peace, shall forfeit the Sum of Five Pounds, to be levied by Distress and Sale.

not liable to Rates,

under proper Regulations.

And be it also further enacted and declared, That the said Rates, Tolls, and Duties, shall at all Times hereafter be exempted from the Payment of any Taxes,

Tolls to be free from Taxes.

Rates, Assessments, or Impositions whatsoever, any Law or Statute to the contrary notwithstanding, other than such Cares, Rates, and Assessments, as the Land which shall be used for the Purpose of the said Navigation would have been subject to, if this Act had not been made.

Allowance for Goods remaining upon Wharfs above a certain Time.

Provided also, and be it further enacted, That if any Goods whatsoever which shall be so navigated, carried, or conveyed, shall remain upon any Wharf or Wharfs belonging to the said Company of Proprietors for above the Space of Twenty-four Hours; then, and in such Case, the said Company of Proprietors shall be intitled to, and receive such Allowance (over and above the Tonage Rates herein before limited) as shall be agreed upon between the said Company of Proprietors, or their Agent or Agents, and the Owner or Owners of such Goods; or, in case of Difference concerning the same, as shall be ascertained by the said Commissioners, or any Five or more of them.

Rates to be fixed by Proprietors, and to be equal throughout the whole Navigation, and to be approved of by Commissioners.

And be it further enacted, That the said Company of Proprietors shall, at their First General Assembly to be held by the Direction of this Act, fix their Rates, Tolls, or Duties, to be taken by them by virtue of this Act; which said Rates, Tolls, or Duties, shall be equal throughout the whole Length of the said Canal; and that it shall and may be lawful to and for the said Company of Proprietors, at any General Assembly to be afterwards held for that Purpose (of which Three Months Notice shall be given in the Manner herein after mentioned) to lessen or reduce all or any of the said Rates, Tolls, and Duties hereby granted, or so fixed at such First General Assembly, as they shall think proper; and may afterwards, from Time to Time, at any General Assembly (of which such Notice shall be given as aforesaid) advance all or any of the said Rates, Tolls, or Duties so lessened, to any Sum or Sums of Money not exceeding the respective Rates, Tolls, and Duties herein before mentioned; and that no Reduction of the Rates, Tolls, and Duties, hereby granted shall be confined to any particular Part of the said Cut or Canal, but shall extend to, and take Place upon the Whole and every Part thereof between Leeds and Liverpoole aforesaid, and shall be made with the Consent of the Proprietors of at least Two Thirds of the Shares in the said Navigation.

Masters of Boats to give an Account in Writing of the Goods, &c.

And, for the more easy collecting the said Rates and Duties hereby laid and directed to be paid, be it further enacted, That the Masters, Owners, and Managers of every

every Boat, Keel, and other Veſſel, navigating upon the ſaid intended Cut or Canal, or on any Part thereof, ſhall give a juſt Account in Writing, ſigned by the Maſter, Owner, or Perſon having the Rule or Command of every ſuch Boat or other Veſſel, to the Collectors of the Tonage or Duties at the Place or Places where they ſhall attend for that Purpoſe, of what Quantities of Goods ſhall be in or belonging to each Boat or other Veſſel, from whence brought, and where they intend to land the ſame; and if the Goods contained in ſuch Boat ſhall be liable to the Payment of different Tolls, then ſuch Maſter, Owner, or Perſon, ſhall ſpecify the Quantities liable to the Payment of each Toll; and in caſe they neglect or refuſe to give ſuch Account, or ſhall give a falſe Account, or ſhall deliver any Part of their Loading or Goods at any other Place than what is or are mentioned in that Account, they ſhall forfeit and pay to the ſaid Company of Proprietors, the Sum of Ten Shillings for every Ton of Goods which ſhall be in ſuch Boats or Veſſels reſpectively, of which ſuch Account ſhall be ſo refuſed to be given, or of which ſuch falſe Account ſhall be given, or which ſhall be delivered out as aforeſaid, as the Caſe ſhall happen to be, over and above the reſpective Rates and Duties they are obliged to pay for the ſame; and in caſe of Neglect, Refuſal, or Denial of Payment on Demand of ſuch Forfeiture or Forfeitures before mentioned, or any Part thereof, to the ſaid Company of Proprietors, that then, and in ſuch Caſe, the ſame ſhall be recovered and levied in ſuch Manner, and by ſuch Methods, as the ſaid Tolls, Rates, and Duties, hereby granted to the ſaid Company of Proprietors, are herein before directed and appointed to be recovered and levied.

Penalty *per* Ton.

And, for the better aſcertaining the Tonage of Timber-wood, to be charged with the Payment of ſuch Rates, Tolls, and Duties aforeſaid, it is hereby enacted and declared, That Fifty Feet of Round, or Forty Feet of Square Oak, Aſh, or Elm Timber, or Fifty Feet of Fir or Deal Balk, Poplar, and other Timber-wood, ſhall be deemed, rated, and eſtimated, as and for One Ton Weight; and the Ton of Coals and Lime-ſtone ſhall conſiſt of Twenty-two Hundreds, of One hundred and twelve Pounds each, to the Ton.

Tonage of Timber, &c. aſcertained.

And be it further enacted, That if any Difference ſhall ariſe between any Collector of the ſaid Rates and Duties, and the Maſter or Perſon having Charge of any Boat or Veſſel, or the Owner of any Goods, Wares, or Merchandiſe, concerning the Weight and Quantity of

In caſe of Difference concerning Weight of Goods, Veſſels to be detained, and Goods weighed, &c.

of the same, it shall be lawful for any such Collector to stop and detain any such Boat or Vessel, and to weigh, measure, gauge, or cause to be weighed, measured, or gauged all such Goods, Wares, and Merchandises, as shall be therein contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than such Master, Owner, or Person, having the Care of the said Boat or Vessel, affirmed the same to be, then the Master, Owner, or Person so affirming, shall pay the Costs and Charges of such weighing, measuring, and gauging; all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied: But if such Goods, Wares, and Merchandizes, shall appear to be of the same or less Weight or Quantity than the Master, Owner, or Person so affirmed the same to be, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging; and shall also pay to such Master or Person, or to the Owner or Owners of such Goods, Wares, and Merchandizes, such Damages as shall appear to the said Commissioners, or any Five or more of them, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Distinction; and in Default of immediate Payment thereof by the Collector, the same shall be recovered from the Company of Proprietors of the said Navigation, by Action of Debt in any of His Majesty's Courts of Record.

Navigation to be free on Payment of Rates.

Provided always, and be it further enacted, That all Persons whatsoever shall have free Liberty with Horses, Cattle, and Carriages, to use the private Roads and Ways (except the Towing-paths) and with Boats or other Vessels to use the navigable Cuts, Canals, or Sluices, to be made by virtue of this Act, for the Purpose of conveying Coal, Stone, Timber, and other Goods, Wares, Merchandises, and Commodities whatsoever, to or from the said Cut or Canal, Trenches or Passages; and also to navigate upon the same respectively with any Boats or Vessels, not exceeding Fourteen Feet in Breadth, and to use the said Wharfs or Quays for loading and unloading Coals and other Goods, and the said Towing-paths for haling and drawing such Boats and Vessels, upon Payment of such Rates and Duties as shall be demanded by the said Company of Proprietors, and not exceeding the Rates herein before mentioned.

Provided

Vessels under 20 Tons not to pass Locks without Consent of Proprietors.

Provided also, and be it further enacted, That no Boat or other Vessel of less Burthen than Twenty Tons shall pass through any of the Locks, to be made by virtue of this Act, without the Consent of the said Company of Proprietors, or their principal Agent for the Time being, in Writing first had and obtained; or unless the Owner or Navigator of such Boat or Vessel shall pay Tonage equal to a Boat or Vessel of Twenty Ton.

Proprietors to make Drains, &c. and maintain and repair the same;

And, to the End that the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made, such Arches, Tunnels, Drains, or other Passages, over, under, or into the said Cut or Canal, authorised to be made by this Act, and the said Trenches, Streams, and Watercourses communicating therewith, and Towing-paths on the Sides thereof, of such Depth and Breadth as shall be sufficient at all Times to convey the Water from the Lands adjoining or lying near to the said Cut or Canal, without obstructing or impounding the same; and likewise to make or cause to be made, such Back Drain or Drains as may be necessary, and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Cut or Canal, to the Prejudice of any of the Lands or Grounds contiguous thereto, making Satisfaction for the Ground so used for the same; and that all such Arches, Tunnels, Drains, and other Passages, shall, from Time to Time, be supported, maintained, and kept in good and sufficient Repair by the said Company of Proprietors: And if at any Time or Times after One Calendar Month's Notice shall be given in Writing, by or on Behalf of any Owner or Occupier, Owners or Occupiers of the said adjacent Lands, who shall find him, her, or themselves, aggrieved by the Obstruction of the said Watercourses, to any One of the said Committee for the Time being, or to the known Agent or Collector of Tolls of the said Proprietors for the Time being, the said Arches, Tunnels, Drains, or other Passages, shall not be made, cleansed, and maintained, according to the true Intent and Meaning of this Act, it shall and may be lawful for any Person or Persons, having an Order in Writing for that Purpose from any Five or more of the said Commissioners, from Time to Time, as often as there shall be Occasion, to make, cleanse, and repair such Arches, Tun-

and on Neglect, Commissioners may order the same to be repaired, and charge the Expence to the Company.

nels, Drains, or other Passages; and the reasonable Expences thereof, to be ascertained by the said respective Commissioners, or any Five or more of them, shall be defrayed by the said Company of Proprietors; and in case of Refusal or Neglect to satisfy the same for the Space of One Calendar Month, after Demand thereof made upon their Agent or Agents, or upon any Collector of the Tolls upon the said Navigation, such Expences shall and may be recovered and levied in such Manner as the Costs and Charges of making and erecting Bridges and other Works by the Owners or Occupiers of Lands are by this Act directed and appointed to be recovered and levied.

Where Cattle are deprived of Watering-places, others to be provided.

And be it further enacted, That where, by means of making the said navigable Cut or Canal, any Cattle which depasture in the adjacent Lands or Grounds, shall be cut from and deprived of their usual Watering-places, that then, and in such Cases, the said Company of Proprietors shall, at their own proper Costs and Charges, set out and provide proper and convenient Places in the Lands adjoining to the said navigable Cut or Canal for Cattle to drink out of and water at, in every such Ground where they were heretofore accustomed to drink and water as aforesaid, and to supply the said Watering-places with Water from and out of the said Cut or Canal, if necessary.

Towing-paths to be fenced from the Lands adjoining, &c.

And be it further enacted, That the said Company of Proprietors shall, at their own proper Charges, divide and separate, and keep constantly divided and separated, the Towing-paths on each Side of the said Cut or Canal, and navigable Trenches or Passages, or such Part or Parts thereof as shall be found necessary by the said Commissioners, or any Five or more of them, with a sufficient Post and Rail, Hedge, Ditch, Trench, Bank, or other Fence, sufficient to keep in Sheep and other Cattle, to be set and made on the Lands and Grounds which shall be purchased by, and conveyed to or vested in them as aforesaid, from the Lands or Grounds adjoining to such Towing-paths; and shall at their own Costs and Charges, from Time to Time, maintain and support the said Towing-paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences so set up up and made as aforesaid; and also shall at their own Charges make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates, Bridges, and Stiles in and over all the Hedges and Fences to be by them so made on the Sides of such Towing-paths as aforesaid; and also such

Bridges,

Bridges, Arches, or Passages over or under or through the said Cut or Canal, and the said Trenches, Streams, and Watercourses, and of such Dimensions, and in such Manner as the said Commissioners, or any Five or more of them, shall from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds, or Hereditaments adjoining to such Cut or Canal, Trenches, Streams, Watercourses, and Towing-paths, or any of them respectively; and the said Company of Proprietors shall not make the said Cut or Canal, or any Trench or Watercourse, or any Part thereof, in or across any common Highway, publick Bridle-way or Foot-path, until such Time as they shall, at their own proper Charges, have made and perfected such Bridge or Bridges over, or convenient Passages through, or Arch or Arches under the said Places where the said Cut, Canal, Trench, or Watercourse respectively shall be intended to be made for such Road, Way, or Path, and of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall adjudge proper: And all such Gates, Stiles, Bridges, Arches, and other Conveniencies so to be made, shall from Time to Time be supported, maintained, and kept in sufficient Repair by the said Company of Proprietors.

and Bridges, &c. to be made.

And be it further enacted, That in case the said Company of Proprietors and their Agents shall fail or neglect to make, erect, and set up such Gates, Bridges, and Stiles in and over the Fences on the Sides of the said Towing-paths, or such Bridges, Arches, or Passages over, under, or through the said Cut or Canal, and the said Trenches, Streams, and Watercourses as aforesaid, or to make such Watering-places for Cattle, as herein before directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands adjoining thereto, or from Time to Time to maintain and support such Bridges, Arches, and Watering-places when made, erected, and set up, of such Dimensions, and in such Manner as the said Commissioners, or any Five or more of them, shall from Time to Time direct or appoint, for the Space of Three Calendar Months next after the Times to be appointed for these Purposes by the said Commissioners, or any Five or more of them; then, and in every such Case, it shall and may be lawful to and for every or any the said Owners or Occupiers of the said adjacent Lands or Grounds who shall find themselves or himself aggrieved by any such Failure or Neglect, to make, erect, and set up all such Gates, Stiles,

In case of Failure the Commissioners to do it, and the Company to pay the Charge thereof.

Stiles, Bridges, Arches, Passages, and Watering-places, and other Conveniencies as aforesaid, as the said Commissioners, or any Five or more of them, shall have before directed or appointed to be made, erected, and set up by the said Company of Proprietors as aforesaid; and from Time to Time to maintain, repair, and support the said Bridges, Arches, Passages, and Watering-places, as Occasion shall require, in case, upon Application to the said Commissioners, after Two Calendar Months previous Notice to the Treasurer or Clerk of the said Proprietors of such intended Application, the said Commissioners, or any Five or more of them, shall authorise and direct such Repairs as aforesaid; and all the reasonable Costs and Charges thereof shall be settled and allowed by the said Commissioners, or any Five or more of them, and shall be repaid to the respective Owners or Occupiers of the said adjacent Lands who shall have so made and erected the said Gates, Stiles, Bridges, Arches, Passages, Watering-places, or other Conveniencies aforesaid, or have repaired or maintained the same as aforesaid, by the said Company of Proprietors, within the Space of Twenty Days next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners, or any Five or more of them, shall, and they are hereby required, by Warrant under their Hands and Seals, to levy their said Costs and Charges, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors in or upon the said Cut or Canal, or the Wharfs, Quays, or Warehouses adjoining to or near the same, to and for the Use of such Person and Persons who shall have so laid out and expended the same as aforesaid, rendering to the said Company of Proprietors, or to some of their Agents, the Overplus, if any such there be, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners, or any Five or more of them; or otherwise, every or any of the said Owners or Occupiers of Lands, who shall have made, erected, or set up, or maintained or repaired any such Gates, Stiles, Bridges, Arches, Passages, Watering-places, or other Conveniencies as aforesaid, upon the Failure or Neglect of the said Company of Proprietors doing the same, or paying the said Costs and Charges as aforesaid, shall and may have such and the like Remedy against the said Company of Proprietors for the Recovery of such Costs and Charges

Charges by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act mentioned and directed.

Owners of Land impowered to make Bridges at their own Expence.

Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands, through which the said intended Cut or Canal shall be made, do or shall at any Time or Times thereafter find, upon Experience, that the several Gates, Stiles, Bridges, Arches, Passages, Watering-places, and other Conveniencies, which the said Commissioners, or any Five or more of them, shall have limited or directed to be made by the said Company of Proprietors, in, upon, over, under, or through the said Cut or Canal, or the Towing-paths thereof, are insufficient, either in the Number or Situation, for the commodious Use and Occupation of their respective Lands and Grounds on both Sides, or on either Side of the said Cut or Canal; that then, and so often, or in any such Case, it shall and may be lawful to and for every or any such Owners or Occupiers of the said Lands for the Time being, with the Consent and Approbation of the said Committee for the Time being, upon Request made to them for that Purpose, or, in case of their Refusal for the Space of Ten Days after such Request, then with the Consent and Approbation of the said Commissioners, or any Five or more of them, to make, fix, and erect, at their own Costs and Charges, One or more Gate or Gates, Stiles, Bridges, Arches, Passages, Watering-places, or other Conveniencies, on, in, over, or near the said Cut or Canal, or Towing-paths thereof, in such Places as shall be found and judged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation thereof, and to repair and support the same respectively at their own like Costs and Charges, as Occasion shall require, so as the Navigation of, in, or upon the said Cut or Canal be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the same will necessarily be by any of the other Gates, Stiles, or Bridges, or other Conveniencies aforesaid to be made or erected in or over the same Cut or Canal by the said Company of Proprietors as aforesaid.

Land Owners may erect Wharfs, &c.

Provided always, and be it further enacted, That nothing in this Act contained shall extend to restrain or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the said intended Cut or Canal shall be made under or by virtue of this Act, from making, erecting, or using any Wharfs, Quays, Landing-places, Cranes,

Weigh-beams, or Warehouses in or upon their respective own proper Lands, Grounds, or Waters adjoining or near to the said Cut or Canal hereby authorised to be made; or from landing any Goods or Merchandizes, or other Things thereupon, or upon the Banks lying between the same and the said Cut or Canal; or for making and using proper and convenient Places for Boats or other Vessels to lie in, turn, or pass by each other, so that the making, erecting, and using thereof respectively shall not obstruct or prejudice the Navigation of the said intended Cut or Canal, or the Towing-paths on the Sides thereof: And all Rates, Dues, and Duties that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing-places, Cranes, Weigh-beams, and Warehouses respectively, shall be, and the same are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands or Grounds, or Wharfs, who shall make and erect such Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses upon their own respective proper Lands, Grounds, or Wastes respectively, his, her, and their Heirs and Assigns; so that the Rates, Tolls, or Duties granted to the said Company of Proprietors, for Tonage and Wharfage, shall not be thereby reduced or altered.

But if not done within 12 Months after Notice, Proprietors may build them.

Provided also, and be it further enacted, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Twelve Calendar Months after Notice given in Writing by or on Behalf of the said Company of Proprietors, that any Part or Parts of such Lands, Grounds, or Wastes is or are intended to be used by them for the Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, make, erect, and maintain, and keep in substantial Repair in the Opinion of the said Commissioners, or any Five or more of them, proper and sufficient Warehouses and Buildings on the respective Part or Parts of the Lands, Grounds, and Wastes comprised or described in such Notice; then, and in every such Case, the said Company of Proprietors shall have full and absolute Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands, Grounds, or Wastes, except such as are herein particularly specified, for all or any of the Purposes aforesaid, first making Satisfaction for the same in such Manner as is directed with respect to other Lands or Grounds which shall be taken and used for the like Purposes.

And

And be it further enacted, That nothing shall be demanded or taken for Wharfage by any Lord or Lords, Land Owner or Land Owners who shall at any Time hereafter make, erect, or build any Wharfs or Quays on any Part of the said intended Cut or Canal by virtue of this Act, in respect of Coals, or other Goods or Merchandize, which shall be loaded into or discharged from any Boats or other Vessels, and which shall not lie upon such Wharfs or Quays for any longer Time than Six Hours; and that no more than the Sum of One Penny halfpenny per Ton shall be demanded or taken for the Wharfage of Coals, Stone, or Brick, nor more than Three-pence per Ton for the Wharfage of any Goods or Merchandizes where the same shall be respectively placed upon such Wharfs or Quays, and shall not remain or continue thereupon for a longer Space of Time than Six Days; and that it shall and may be lawful for the said Company of Proprietors to make, erect, and repair, and use any Crane or Cranes, Weighing Machine or Weighing Machines upon every such Wharf or Quay for the more convenient loading, unloading, and weighing of any such Coals or other Goods, in case the Proprietors of such Wharfs or Quays shall refuse to make and erect the same within Three Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors. For ascertaining the Rate of Wharfage.

And, for the better regulating of Masters of Boats, Bargemen, and others employed by or under them respectively, and for the more easy Detection of any Thing by them, or any of them respectively done contrary to the Directions of this Act; be it further enacted, That every Master or Person having the Rule or Command of any Boat or other Vessel passing on the said intended Cut or Canal, shall cause the Name of the Owner thereof, and the Number of his Boat, to be entered with the Clerk of the said Company of Proprietors for the Time being; and shall also cause such Name and Number of the Boat or Vessel of such Owner to be painted in large white Capital Letters on a black Ground, Six Inches high, and of proportionable Breadth, on each of the Outsides of every such Boat or other Vessel, higher than the same shall sink into the Water when full loaden; and also shall permit and suffer every such Boat or other Vessel to be measured at the Expence of the said Proprietors of the said Navigation; and shall permit the same to be measured whenever it shall be required by the said Masters to put their Names on the Outside of their Boats.

Company of Proprietors, or such Person or Persons as shall be appointed by them for that Purpose; provided that no such Vessel shall be measured more than Four Times in any One Year: And every Owner, Master, or other Person having the Rule or Command of any Boat or other Vessel, who shall refuse or neglect to put the Owner's Name and Boat's Number on any such Boat or other Vessel in Manner aforesaid, or shall alter, deface, erase, or destroy any Letter or Figure describing such Name and Number as aforesaid, or shall refuse to have his or their Boats or other Vessels measured as aforesaid, he or they shall, for every such Offence respectively, forfeit and pay to the said Company of Proprietors the Sum of Forty Shillings.

Masters or Owners of Boats answerable for Damage done by the Crew.

And be it further enacted, That the Master or Owner of every Boat or other Vessel navigating within the Limits of the said Navigation shall be and is hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his Boat or other Vessel, or any of the Boatmen or Watermen belonging to or employed in or about the same respectively, unto any of the Bridges, Wears, Locks, Dams, Engines, or other Works in or upon or near the said intended Cut or Canal, Trenches, Sluices, and Passages, by loading or unloading any Boat or other Vessel, and for any Trespass or Damage that shall or may be done to the Owners or Proprietors of any Buildings, Erections, Lands, or Tenements adjoining to the same or any of them, other than is authorised by this Act; and the said Master or Owner of such Boat or Vessel shall and may be sued and prosecuted for the same in any Court of Record whatsoever, and if found guilty, or a Verdict pass against him, or Judgement be given against him upon Demurrer, or by Default, the Plaintiff in any such Case shall recover his Damages thereby sustained with Costs of Suit, as between Attorney and Client.

Proper Places to be made for Boats to turn and lie whilst others pass by.

And be it further enacted, That the said Company of Proprietors shall and may and they are hereby required, in such Parts of the said navigable Cut or Canal, Trenches or Sluices, as shall not be of a sufficient Breadth for admitting a Boat or Vessel to turn about and lie, or Two Boats or other Vessels to pass each other, to open or cut proper Places or Spaces in the said Lands adjoining to the said navigable Cut or Canal, Trenches or Sluices, at convenient Distances from each other, for the turning, lying, and passing of any such Boat or Vessel; and that the said Boats upon

or other Vessels sailing or being haled or navigated upon the said navigable Cut or Canal, Trenches or Sluices, shall, upon meeting any other Boat or Vessel, stop at or go back to and lie in the said Spaces or Places in such Manner as the said Committee, under their Hands and Seals, shall direct and appoint.

Regulations for Vessels passing the Locks

Provided always, and be it enacted, That no Boatman, or his Agent or Servants, navigating any Boat or other Vessel upon the said Cut or Canal, and passing with any Boat or other Vessel through any Lock to be made upon the said Cut or Canal, shall suffer the Water to remain in the Lock longer than is necessary for his Boat or other Vessel to pass through any such Lock; and also that every such Boatman or other Person as aforesaid, in coming down the said Cut or Canal, shall shut the lower Gates of such Lock before he or they shall draw the Cloughs of the upper Gates thereof; and after he or they shall have brought his or their Boat or other Vessel into the said Lock, shall shut the upper Gates before he or they shall draw the Cloughs of the lower Gates thereof; and in going up the said Cut or Canal shall, so soon as he or they shall have passed with his or their Boat or other Vessel out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the Cloughs of the lower Gates, unless there shall be then a Boat or other Vessel in Sight of the said Lock coming down the said Cut or Canal, in which Case the lower Gates of the said Lock shall be left shut and the upper Gates shall be left open; and in all dry Seasons, when there shall be a Scarcity of Water in the said Cut or Canal, the Vessel going up the same, if within Sight of and at a Distance not above Three hundred Yards below a Lock, shall pass through such Locks before the Vessel coming down, and then the Vessel next above shall come down; and if there are more Vessels than One below and above any Lock at the same Time in such dry Season within the Distance aforesaid, at which Distance a Post or Mark shall be set up and made for that Purpose, such Vessels shall go up and come down at such Lock by Turns as aforesaid, till all the said Vessels going up and coming down shall have passed, by which means one Lock full of Water may serve Two or more Vessels; and every Person offending in any of these Particulars, and being convicted thereof before any Justice of Peace upon the Oath of One or more credible Witness or Witnesses, as also the Master or other Person having the

Command of such Boat or Vessel, shall, for every such Offence, forfeit any Sum not exceeding Twenty Shillings.

Vessels lying so as to obstruct the Navigation to be removed.

And be it further enacted, That if any Boat or Vessel shall be placed in any Part of the said Cut or Canal, or of any Trench, Sluice, or Passage aforesaid, so as wilfully to obstruct the Navigation; and the Person having the Care of such Boat or Vessel, shall not immediately, upon Request made, remove the same, he shall, for every such Offence, forfeit a Sum not exceeding Ten Shillings, nor less than Five Shillings, and shall moreover forfeit a Sum not exceeding Two Shillings, nor less than One Shilling, for every Hour such Obstruction shall continue after such Request for Removal shall be made as aforesaid; and it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause any such Boat or Vessel to be unladen, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to seize and detain such Boat or Vessel, and the Loading thereof, or any Part of such Loading, until the Charge of such Removal be paid; and if any Boat or Vessel shall be sunk in the said Cut or Canal, or any Trench aforesaid, and the Owner or Person having the Use of such Boat or Vessel, shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat or Vessel to be weighed or drawn up, and to detain and keep the same till Payment be made of all the Expences necessarily occasioned relating thereto.

Vessels sunk to be weighed up.

Penalty on Persons overloading, and obstructing the Passage.

And be it further enacted, That if any Person or Persons shall float any Timber on the said Cut or Canal, or shall load any Boat or Vessel with Timber, and suffer such Timber to be over the Sides of any such Boat or Vessel so laden, or shall overload any Boat or other Vessel navigating in or upon the said Cut or Canal, Trenches, Sluices, or Passages, and, when so overloaded, shall put such Boat or other Vessel to the said Cut, Canal, Trenches, Sluices, or Passages, so as to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given to the Owner or Person having the Care of such Boat or Vessel so obstructing the Passage as aforesaid, hale such Boat or other Vessel back into such Place or Places as shall be proper or made for Boats or other Vessels to pass each other; every such Owner, or Person floating such Timber, or having the

Care of such Boat or Vessel, shall forfeit and pay for every such Offence the Sum of Five Pounds, to the said Proprietors, to be laid out and employed towards maintaining the Work of the said Navigation, and to no other Use or Purpose whatsoever.

Penalty on throwing Ballast into the River, &c.

And be it further enacted, That if any Person or Persons shall throw any Ballast, Gravel, Stones, or Rubbish, into any Part of the said Cut or Canal, or any Trenches or Watercourses to be made or maintained by virtue of this Act; every such Person shall, for every such Offence, forfeit the Sum of Five Pounds.

Navigation not subject to Commissioners of Sewers.

Provided always, and be it further enacted, That the said Cut or Canal, or any Work whatsoever to be made by virtue of the Power of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers; any Thing or any former Law or Statute to the contrary notwithstanding.

Persons on Board having Nets, not being qualified, forfeit 5*l.*

And be it further enacted, That if any Person or Persons navigating or working, or being on Board any Boat or other Vessel within the Limits of the said intended Navigation, not being qualified by the several Laws and Statutes relating to Game, shall carry on Board any Boat or other Vessel, and shall use any Fishing Net, Gun, Engine, or other Instrument, for taking or destroying Fish or Game; such Person or Persons, being thereof lawfully convicted on Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the County, Riding, or Place where the Offence shall be committed respectively, shall, for every such Offence, forfeit and pay the Sum of Five Pounds; and in case any Master or other Person having the Command of any Boat or other Vessel, shall suffer or permit any Person or Persons, not being duly qualified as aforesaid, to have, carry on Board, or make use of any Fishing Net, Gun, Engine, or other Instrument for taking or destroying any Fish or Game, and being thereof convicted as aforesaid before One or more Justice or Justices of the Peace of either of the said Counties respectively, shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

The Right of Fishery in the Canal granted to Lords of Manors and Land-owners.

Provided nevertheless, and it is hereby enacted and declared, That the Lord and Lords, or Owner and Owners of all and every Manor or Manors through which the said intended Cut or Canal shall be made, shall have, and be intitled to, the sole, several, and exclusive Right of Fishery of and in so much of the said Canal, Cuts, Trenches, and Sluices, as shall be made over or through the

the Common or Waste Lands within his, her, or their Manor or Manors respectively; and that the Owner or Owners of all other Lands or Grounds through which the said Cut or Canal shall be made, shall also have, and be intitled to, the like sole, several, and exclusive Right of Fishery of and in so much of the said Cut or Canal, Trenches, and Sluices, as shall be made in, over, or through, his, her, or their Lands or Grounds respectively; so as, in the Use and Exercise of the said Right of Fishery, the said navigable Cut or Canal, Trenches and Sluices, and the Towing-paths, Banks, or other Works and Conveniencies hereby authorised to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Cut or Canal, Trenches or Sluices; and so as the said Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by reason of the taking or destroying of any Fish in the said Cut or Canal, Trenches or Sluices, which shall be taken, killed, or destroyed through, or by means of, the letting of the Water out of the said Cut or Canal, Trenches or Sluices, for or upon account of any Repairs or Works to be done in or about the same; any Thing herein contained to the contrary notwithstanding.

Qualification of Commissioners.

Provided always, and be it further enacted, That no Person shall act as a Commissioner in any Case where he shall be any ways interested or concerned in the Matter in Question: And if any Person shall presume to act as a Commissioner, not being qualified as before mentioned, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with Costs of Suit as aforesaid, by Action at Law, in any of his Majesty's Courts of Record at Westminster, in which Action no Essoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed; and such Person so prosecuted, shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act.

Penalty on acting, if not qualified.

Notice of Meetings to be given.

Provided also, and it is hereby further enacted, That no Meeting whatsoever of the said Commissioners shall at any Time or Times be had, for putting in Execution any Powers or Authorities vested in them by virtue of this Act, nor any Order, Direction, or Appointment of the said Commissioners, or any of them, touching any

of

of the Matters and Things herein contained, shall be binding and effectual, unless previous Notice of every such intended Meeting shall be first given and inserted in the Leeds and Liverpoole News-papers, and in such other Manner as the said Company of Proprietors shall, at any General Meeting, direct or appoint, at least Ten Days before such intended Meeting of the said Commissioners for any the Purposes herein contained; every such Notice to specify the Time and Place of such Meeting or Meetings respectively, and the several Matters and Things then and there proposed to be done; and that every Meeting of the said Commissioners, by virtue of this Act, shall be publick; any Thing herein before contained to the contrary notwithstanding.

All Meetings deemed Publick.

Provided likewise, That no Person shall act as a Commissioner, otherwise than in administering the following Oath, until he shall have taken or subscribed the Oath following, before any Five or more of the said Commissioners, who are hereby authorised and impowered to administer the same; videlicet,

No Person to act as a Commissioner till he hath taken the Oath.

I *A B* do swear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities established by an Act made in the Tenth Year of the Reign of His Majesty King *George* the Third, "For making a navigable Cut or Canal "from *Leeds* to *Liverpoole*."

The Oath.

And be it further enacted, That each of the Commissioners who be in the Commission of the Peace for the said West Riding of the County of York and County of Lancaster respectively, shall and may, and is hereby impowered to act as a Justice of the Peace in the Execution of this Act, notwithstanding his being a Commissioner.

Commissioners may act as Justices.

And be it further enacted, That if any Commissioner appointed by this Act, shall have or accept of any Place of Profit arising out of the Tolls and Monies to be raised by virtue of this Act; such Person, from and after his accepting such Place of Profit, and during the Time of his holding and enjoying the same, and during the Time of his being a Proprietor in the said Navigation, or concerned in Interest in any Contract or Bargain made or to be made for the Purposes of this Act, shall be incapable of acting as a Commissioner under the same.

Commissioners not to hold any Place of Profit.

Commissioners may call a General Meeting.

And be it further enacted, That upon Application to be made by the said Proprietors, or any Twenty or more of them, or by the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the said intended navigable Cut or Canal, or any of the Works necessary or relating thereto, or any of them, unto the Commissioners appointed by and for the Purposes of this Act, or any Five or more of them, requesting them or desiring them to appoint a General Meeting of the Commissioners; the Commissioners so requested or applied to, or any Five or more of them, may and shall, and they are hereby respectively authorised and required, within Seven Days after such Request or Application made, to give Notice, in Manner aforesaid, of a General Meeting to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen nor more than Twenty-one Days, from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners are hereby authorised, impowered, and required, to assemble at the Time and Place so to be appointed, in order to put this present Act, and the Powers and Authorities hereby given to and vested in them, in Execution; and shall then adjourn themselves, and afterwards meet at such Time and Place as the said Commissioners there assembled, or any Five or more of them, shall think proper and convenient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time; then, and in such Case, the Clerk of the said Commissioners shall and may, by Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the House where the last Meeting of the said Commissioners was appointed to be held, on that Day Three Weeks next after the Day on which the last Meeting of the Commissioners was appointed to be held.

In default of a sufficient Number to act,

Meeting to stand adjourned to that Day 3 Weeks.

Meeting may be called at any Time.

Provided always, and be it further enacted, That it shall and may be lawful for any Five or more of the said Commissioners, and they are hereby impowered, although they shall not be assembled at a Meeting to be held by virtue of this Act, from Time to Time, and at all Times, upon such Request made as aforesaid, by Notice in Writing signed by them, and published in Manner aforesaid, to summon a Meeting of the said Commissioners, at such Time and Place as shall be mentioned in

such

such Notices for the settling and ascertaining Damages, as are herein directed to be settled and ascertained, or for other Purposes, notwithstanding any Adjournment or Non-adjournment of the said Commissioners.

Such Meetng to be within 5 Miles of the Place where the Dispute arises.

Provided also, That every particular Meeting of the Commissioners for hearing or determining any Complaint, Controversy, Dispute, or Difference between the said Proprietors, or any other Person or Persons, shall be held at some Place within Five Miles of the Place where such Complaint or Dispute arises.

Power for Land Owners to use Pleasure-boats.

And it is hereby provided and further enacted, That it shall and may be lawful to and for the Owners and Occupiers of any Lands adjoining to the said Canal, to use any Pleasure-boat and Boats upon the said Canal (not passing through any Lock, unless they shall first pay Tonage equal to a Boat or Vessel carrying Fifteen Ton, or obtain the Consent of the said Company of Proprietors) without any Interruption from the said Company of Proprietors, and without paying any Rate or Duty for the same; so as the same be not made use of for carrying any Goods, Wares, or Merchandizes, and so as the same shall and do not obstruct or prejudice the Navigation of the said intended Cut or Canal, or the Towing-paths on the Sides thereof.

Canal to be measured and Stones set up.

And be it further enacted, That the said navigable Cut or Canal shall be measured, and Stones erected on the Sides thereof at the End of each Half Mile, and that all Goods, Wares, and Merchandizes which are made liable to the several Rates and Duties hereby imposed, that shall be navigated, carried, or conveyed upon the said Cut or Canal, up to, or past any of the said Stones so to be erected, shall be charged with and pay the said Rates, Tolls, and Duties for One Half Mile, for every Stone they shall so pass by, in proportion to the Rates here before granted; and that One hundred and Twelve Pounds Weight Avoirdupoize shall be deemed and taken as and for One Hundred Weight, within the Intent and Meaning of this present Act.

Writings exempted from Stamp Duties.

Provided always, and be it further enacted, That no Summons, Order, Determination, Judgement, Warrant, Contract, Agreement, Bond, or other Writing whatsoever under the Hands or under the Hand and Seal of any Justice of the Peace, or of the said Commissioners, or any of them, or any other Person or Persons whatsoever, or any Transfer of any Share or Shares, or other Writing whatsoever made in pursuance of the Powers given in and by this present Act, shall be charged

Proceedings not to be quashed for Want of Form, nor removeable by *Certiorari*.

ed or chargeable with any Stamp or Duty whatsoever; and that no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

Lands not used within a certain Time to be reconveyed.

Provided always, and be it further enacted, That if the said Company of Proprietors shall be in Possession of any Lands or Grounds by virtue of this Act for the Space of Ten Years, without making the intended Navigation through the same respectively; or if the said Navigation shall be made and completed, and afterwards discontinued or disused for the Space of Five Years, then, and in either of the said Cases, from and immediately after the Expiration of the said Ten Years without making, or Five Years after disusing the said Navigation as aforesaid, the said Company of Proprietors shall convey all their Right, Property, and Interest in or to such Lands or Grounds respectively, unto the several and respective Persons, or Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, who were the Owners or Proprietors thereof immediately before the said Company of Proprietors became seised of the same, in case they or any of them shall think fit to become Purchasers thereof, and to pay such valuable Considerations for such Land or Ground to the said Company of Proprietors, as the said Commissioners, or any Five or more of them, shall adjudge reasonable; and in case any Difference should happen in ascertaining thereof by the said Commissioners, then as any Jury, to be impanelled in the Manner herein before directed, shall ascertain or award to be paid for the same; so that such Consideration, to be ascertained by such Commissioners, or to be awarded by such Jury so to be impanelled as aforesaid, do not exceed the Sum or Sums of Money first paid by the said Company of Proprietors, for the Purchase of such Lands or Grounds; and in case the said Company of Proprietors, upon the Payment or Tender of such valuable Considerations as aforesaid, for such Lands or Grounds, shall refuse or neglect to convey the same as aforesaid, then and in such Case such Lands or Grounds, upon Tender of such valuable Considerations as aforesaid to the said Company of Proprietors, shall revert to, and be thenceforth vested in the said several and respective Persons, Bodies Politick, Corporate, or Collegiate, their Heirs, Successors, or Assigns; and in case an annual Rent shall have been paid for the said Lands or Grounds, to be taken in Man-

ner aforesaid, for the Use of the said Navigation, then such Rent shall cease and determine, and such Sum or Sums of Money shall be paid for the Damage done to the said Lands or Grounds by the said Company of Proprietors, to the Person or Persons, Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, to whom such Lands or Grounds shall be reconveyed or revert as aforesaid, as the said Commissioners or Jury shall ascertain or award; such Sum or Sums of Money, in Default of Payment at the Time to be fixed by such Commissioners or Jury respectively, to be recovered in such Manner as any other Damages to be recovered by virtue of this Act.

To preserve *Padiham Mills, Chew Mills,*

Provided always, and be it enacted, That nothing in this Act contained shall extend to authorise or impower the said Company of Proprietors, to alter, divert, or make use of the Springs, Watercourses, or Streams of Water, or any of them, now flowing to, or supplying with Water the several Mills called Padiham Mill, and Chew Mill, in the said County of Lancaster, the several Properties of Charles Townley Esquire, and the Right Honourable Catharine Lady Dowager Stourton, so as to prevent the said several Mills, or either of them, from being thereby supplied with Water for the working the same, in as full, ample, and beneficial a Manner, as heretofore accustomed, without the special Licence and Consent of the Owner or Proprietor, Owners or Proprietors of the said respective Mill and Mills, in Writing under his, her, or their Hand and Seal, or Hands and Seals, first had and obtained for that Purpose; any Thing herein contained to the contrary notwithstanding.

Armley Mills,

Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorise or impower the said Company of Proprietors, to alter, divert, or make use of the present Watercourses, or Streams of Water flowing within the Township of Armley, in the said County of York, to the Mills of or belonging to Sir William Horton Baronet, standing and being upon the River Air in the said Township, so as to prevent the said Watercourses, or Streams of Water, or any of them, from flowing to the said Mills, so as to prevent the said Mills from being thereby supplied with Water for the working the same, in as full, ample, and beneficial Manner, as heretofore accustomed; nor shall the said Company of Proprietors divert, turn, or alter any of the Roads or Passages leading to or from the said Mills, or any wise prejudice or obstruct the same,

without the Permiſſion of the ſaid Sir William Horton, his Heirs or Aſſigns; any Thing herein contained to the contrary notwithſtanding.

Marton, Braidley, Loſtock, Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to authoriſe or impower the ſaid Company of Proprietors, to alter, divert, or make uſe of the Springs, Watercourſes, or Streams of Water, or any of them, now flowing to or ſupplying with Water the ſeveral Mills called Marton Mill, within the Townſhip of Eaſt Marton, within Craven, in the ſaid County of York; Braidley Mill within Marſden, and Loſtock Mill, in the ſaid County of Lancaſter, the ſeveral Properties of Miſtreſs Elizabeth Heber Widow, Charles Townley Eſquire, and Alexander Caſſon Gentleman; ſo as to prevent the ſaid ſeveral Springs, Watercourſes, or Streams of Water reſpectively, or any of them, from flowing to the ſaid reſpective Mills, or to the Mill-heads or Mill-dams, by means whereof the ſaid Mills, or any of them, are at preſent ſupplied with Water, in as full and ample a Manner as heretofore accuſtomed, without the ſpecial Licence and Conſent of the Owner or Proprietor, Owners or Proprietors of the ſaid reſpective Mill and Mills, in Writing under his, her, or their Hand and Seal, or Hands and Seals, firſt had and obtained for that Purpoſe; any Thing herein contained to the contrary notwithſtanding.

and *Carr Mill.* Provided always, and be it enacted, That in caſe the ſaid Company of Proprietors ſhall at any Time hereafter, alter, divert, or make uſe of the Springs, Watercourſes, or Streams of Water, or any of them, now flowing to and ſupplying with Water the Mill of John Clayton Eſquire, called Carr Mill within the Townſhip of Borrowford, in the ſaid County of Lancaſter, ſo as to prevent the ſaid Springs, Watercourſes, or Streams of Water reſpectively, or any of them, from flowing to the ſaid Mill, or to the Mill-head, or Mill-dam, by means whereof the ſaid Mill is at preſent ſupplied with Water; they the ſaid Company of Proprietors ſhall, and are hereby directed, at their own proper Coſts and Charges, to ſupply the ſaid Mill, from Time to Time, with an equal or ſufficient Quantity of Water from their Reſervoir, or otherwiſe, for the working of ſuch Mill, in as full, ample, and beneficial a Manner, as the ſame could have been worked if the ſaid Springs, Streams and Watercourſes, or any of them, had not been altered, diverted, or made uſe of by the ſaid Com-

pany of Proprietors; any Thing herein contained to the contrary notwithstanding.

Not to erect Wharfs, &c. within 500 Yards of *Riddlesden Hall.*

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend to enable the said Company of Proprietors, to make, erect, or build any Warehouse, Watch-house, Building, Quay, Wharf, Crane, or Weigh-beam, upon the Lands or Grounds of Edmund Starkie Esquire, within the Distance of Five hundred Yards from his capital Mansion or Manor-house, called Riddlesden Hall, within East Riddlesden, in the said County of York, without the special Licence and Consent of the said Edmund Starkie, his Heirs or Assigns, in Writing under his or their Hand and Seal, or Hands and Seals first had and obtained for that Purpose; any Thing herein contained to the contrary notwithstanding.

No Wharf to be made near *Coate's Hall.*

And be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend to enable or authorise the said Company of Proprietors to make any Wharf between the Mansion or Dwelling-house of William Bagshaw Esquire, called Coate's Hall, in the West Riding of the said County of York, and the Road leading from Barnoldswick to Skipton.

Bootle Springs to be preserved.

Provided always, and be it further enacted, That nothing in this Act contained, shall extend or be construed to authorise or impower the said Company of Proprietors to cut through, alter, divert, or make use of any of the Springs or Streams of Water issuing and arising, or which shall or may flow within or through any of the Lands or Grounds of or belonging to the Right Honourable Edward Earl of Derby, his Heirs or Assigns, situate and being in the Townships of Bootle and Kirkdale, in the said County of Lancaster, or either of them; any Thing herein contained to the contrary notwithstanding.

Liverpoole Water not to be affected.

Provided always, and be it hereby enacted by the Authority aforesaid, That nothing in this Act contained shall extend in any wise to alter, revive, affect, or repeal an Act made in the Eighth Year of the Reign of Queen Anne, intituled, An Act to enable the Corporation of *Liverpoole* to make a Grant to Sir *Clear More* Baronet, for Liberty to bring fresh Water into the said Town of *Liverpoole*; but that the said Act shall remain in the same State as if this Act had not been passed.

Act 8 *Anne.*

Description of Canal through Mr. *Fenton's* Estate.

Provided always, and be it hereby enacted, That the Line of the said Canal shall come into the Estate of Thomas Fenton Esquire of Leeds, called Rawcliff's or Bottom Farm, in the Parish of Calverley, in the County of

of York, at the North West Corner of a Close called Pollard Close in the said Farm, and carried through his said Estate, in, along, or adjoining to a private Lane leading from Idle to Esholt, by the East End of a Barn now situated near the said Lane.

And whereas the River Douglas alias Asland hath been made navigable by virtue of an Act of Parliament passed in the Sixth Year of the Reign of his late Majesty King George the First; and the said Navigation is become the Property of Alexander Leigh, Gentleman, and others: And whereas in case the said Canal from Leeds to Liverpoole is effected, the same must necessarily be carried over the said River Douglas alias Asland, by a navigable Bridge or Aqueduct at or near Newburgh; by means whereof, Vessels with standing or fixt Masts will be prevented from passing upon that Part of the said River Douglas alias Asland: And whereas a Communication with the said Navigation of the said River Douglas alas Asland, and the said proposed Canal, will tend to the Improvement of both the said Navigations, and also the Benefit of the Publick; be it therefore enacted, That the said Proprietors of the said River Douglas alias Asland Navigation, may and are hereby authorised, under such Powers and Restrictions as are given and limited in and by the said recited Act, to make and continue navigable a Cut or Canal, from the said River Douglas alias Asland, above, and on the East Side of the said proposed navigable Bridge or Aqueduct, into the said proposed Canal from Leeds to Liverpoole, at such Distance from the said navigable Bridge or Aqueduct, that the same may not be injured thereby; and that such Cut or Canal of Communication shall be made and constructed in such Manner that the Water of the said Canal from Leeds to Liverpoloe, may not in any wise be drawn off or lessened.

Cut to be made from the River *Donglas* to the intended Canal.

And be it further enacted, That within Three Calendar Months next after the completing of the said Cut of Communication, to the Satisfaction of Five or more of the said Commissioners, the said Company of Proprietors shall and they are hereby required to pay unto the said Alexander Leigh, his Executors, Administrators, or Assigns, the Sum of Five hundred Pounds, for the Use of himself and the Rest of the Proprietors of the said River Douglas alias Asland, towards the Charges and Expences which they shall or may be at or put unto in executing the Works necessary to effect the Purpose aforesaid; and in case Default shall be made in Payment of the said Sum of Five hundred Pounds, or any Part thereof, within the Time for that Purpose limited,

When Cut completed Mr. *Leigh* to be paid 500 *l.* for himself and the Proprietors of the River *Douglas*.

ed, then it shall and may be lawful for the said Proprietors of the said River Douglas alias Asland, to recover the same against the said Company of Proprietors, by Action of Debt in any of His Majesty's Courts of Record at Westminster, with Full Costs of Suit.

Proprietors of the *Douglas* Navigation may make a Cut,

And be it enacted, That the said Proprietors of the said Douglas alias Asland Navigation, may and they are hereby authorised in Manner aforesaid, at their own proper Costs and Charges, to make and maintain a like Cut or Canal, out of the said proposed Canal from Leeds to Liverpoole, to communicate with the said River Douglas alias Asland, below and on the East Side of the said navigable Bridge or Aqueduct, unless the Proprietors of both the said Navigations shall deem it more convenient to go out of the said Cut or Canal from Leeds to Liverpoole elsewhere, and to make or construct such Locks and Works as may be necessary for that Purpose; but so as the Water in the said Canal from Leeds to Liverpoole may not be exhausted in a Degree equal to or more than the Supply of Water of the said Cut or Canal, from the Lock erected or to be erected upon the said Cut or Canal, above the said navigable Bridge or Aqueduct.

and take Tonage,

And be it further enacted, That in Consideration of the great Charges and Expences the said Undertakers and Proprietors of the said River Douglas alias Asland, will be at in making and maintaining of the said Canal of Communication, it shall and may be lawful to and for the said Undertakers and Proprietors, their Heirs and Assigns, from Time to Time, and at all Times thereafter, to ask, demand, take, and recover to their own proper Use and Benefit, for Tonage for all Coal, Stones, Timber, and other Goods, Wares, Merchandizes, and Commodities whatsoever, which shall be navigated, carried, or conveyed upon or through the said Canal of Communication, such and the same Rates and Duties, (by such Ways and Means, and with the like Powers and Authorities for the levying and recovering thereof) as they are authorised and impowered to demand, take, levy, and recover for Coal, Stones, Timber, and other Goods, Wares, Merchandizes, and Commodities, as shall be navigated, carried, and conveyed, upon the said River Douglas alias Asland, by virtue of the said recited Act; so that the said several Tolls or Duties shall not be taken and received more than Once for each Time of passing upon the said Canal of Communication, and the said River Douglas alias Asland, both or either of them.

and support the Works.

And be it enacted, That the said Proprietors of the said River Douglas alias Asland Navigation, their Heirs and Assigns, shall and they are hereby required, at their like proper Costs and Charges, at all Times after the making and constructing of such Works as aforesaid, to uphold and keep the same in good and sufficient Order and Repair, so that no Damage nor Injury may arise or happen to the said Cut or Canal, from Leeds to Liverpoole, in Default thereof.

Proprietors of *Douglas* not to waste the Water in the Great Canal, nor injure it in Times of Floods.

Provided also nevertheless, and be it enacted, That nothing herein contained shall extend to authorise the said Proprietors of the said Douglas alias Asland Navigation, to do any Act towards making the said Cut or Canal, out of the said Leeds and Liverpoole Canal, to communicate with the said River Douglas alias Asland, below the said navigable Bridge or Aqueduct, until they have effectually constructed and completed a proper and sufficient Lock upon the said Canal of Communication above the said navigable Bridge or Aqueduct, in such Manner that the Water contained in, and flowing from such Lock, may be at least equal, or more than the Water in the first Lock to be constructed below the said navigable Bridge or Aqueduct; and so as the said first mentioned Lock be of sufficient Height to prevent the River Douglas alias Asland, in the Time of Floods, from flowing or passing over the Gates thereof into the said Canal.

Regulation for passing Locks on junctive Canal.

Provided always, and be it enacted, That no Boats or Vessels shall pass through any Lock or Locks to be erected upon the said junctive Cut or Canal below the said navigable Bridge or Aqueduct, except such as shall also pass through the said Lock to be erected upon the said Cut of Communication above the said Bridge or Aqueduct, without the Consent of the said Company of Proprietors first had and obtained.

No Water to be taken out of *Douglas* above the Aqueduct.

Provided always, and be it further enacted, That nothing herein contained shall authorise and impower the said Company of Proprietors, or any Agent, Workman, Servants, or other Person or Persons whomsoever, employed by him or them, by any Means or Devices whatsoever, to take or convey into the said navigable Cut or Canal from Leeds to Liverpoole, or any Part thereof, any Water out of the said River Douglas alias Asland, or any Part thereof, or to take or divert into the said Canal from Leeds to Liverpoole, any Water out of or from any Streams, Brooks, or Watercourses, that now run or flow into the said River Douglas alias Asland

above

above the said Aqueduct; any Thing herein before contained to the contrary notwithstanding.

The Map and Book of Reference produced at the Committee, to be authenticated and copied,

And whereas divers Levels and Surveys have been taken to ascertain the Practicability of making the said intended Cut or Canal, and a Map or Plan, and a Book of Reference thereto, have been made in consequence of such Levels and Surveys, which have been produced before the Committees to whom the Consideration of this present Act was referred, to delineate the Course thereof, whereby it appears the said Cut or Canal leads through the several Townships, and is intended to be made or carried into, through, across, under, or over the several Estates, Lands, or Grounds, now or late belonging to such Person and Persons, and such Roads, Rivers, and Brooks, as are particularly mentioned in the said Book of Reference; it is hereby further enacted and declared, That there shall be Three Parts made of the said Map or Plan, and Book of Reference, which shall be certified by the Right Honourable the Speaker of the Honourable House of Commons, and severally deposited with, and kept by the Register for the West Riding of the said County of York, the Register of the Court of Chancery for the said County of Lancaster, and the Clerk to the said Company of Proprietors, to which all Persons shall have Liberty to resort and make Extracts or Copies thereof, as Occasion shall require; and the said Maps or Plans, and Books of Reference so certified, or true Copies thereof, shall be, and are hereby declared to be good Evidence in all Courts of Law, or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Fourteen Days Notice to him given for that Purpose, shall from Time to Time produce the said Map or Plan and Book of Reference before the said Commissioners, or any Jury or Juries to be impanelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence.

and allowed as Evidences.

Canal to be made pursuant to Plan and Book of Reference,

And be it further enacted, That the said Company of Proprietors shall, and they are hereby authorised and required to make the said intended Cut or Canal in such Course and Direction as the same is delineated in the said Map or Plan, and set forth in the said Book of Reference; and shall not deviate therefrom, nor cut, carry, and convey the same into, through, across, under, or over any other Part or Parts of the several Estates, Lands, and Grounds now or late belonging or reputed to belong to such Person and Persons, and such Roads, Rivers and

and Brooks respectively than are mentioned in the said Book of Reference, save in such Instances only as are particularly provided for in this Act, without the Approbation and Consent in Writing, signed by the Person or Persons to whom such Estates, Lands, and Grounds do or shall respectively belong, or without an Order of the said Commissioners, or any Five or more of them, at a Meeting to be held for that Purpose, of which Fourteen Days Notice in Writing, signed by the Clerk for the Time being to the said Company of Proprietors, specifying the Deviation desired to be made, shall be given to the Owner or Owners of such Lands or Grounds; and if at the Time mentioned in such Notice the said Commissioners, or any Five or more of them, shall think it reasonable that such Deviation therein mentioned ought to be made, it shall and may be lawful for them to make such Order in the Premises as to them shall seem proper; and the said Company of Proprietors shall and may make the said Cut or Canal in the Manner mentioned in such Order.

unless any Deviation be made by the said Commissioners.

Provided always, and it is hereby further enacted and declared, That the said Company of Proprietors shall and may make the said intended Cut or Canal into, through, across, or over the Estates, Lands, or Grounds of any Person or Persons whomsoever, into whose Estates, Lands or Grounds such Deviations aforesaid shall extend, although their Names are not mentioned in the said Book of Reference; or into the Estates, Lands, or Grounds of any Person or Persons whose Name or Names shall appear to the Satisfaction of the said Commissioners, or any Five or more of them, and be by them certified under their Hands, that the Name or Names of such Person or Persons last referred to is or are, by Mistake, omitted in the said Book of Reference; or that instead thereof the Name or Names of some other Person or Persons, to whom such last mentioned Estates, Lands, and Grounds do not belong, have or hath been inserted therein; any Thing herein contained to the contrary thereof in any wise notwithstanding.

Names of Land Owners not being in the Book of Reference, to be no Prejudice in making Canal.

And be it further enacted, That all Fines and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye-law to be made in pursuance of this Act, of which, when produced, the Justices herein after named are hereby required to take Notice (the levying and recovering of which are not herein particularly directed) shall be levied by War-

Recovery of Fines and Forfeitures.

rant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County, Riding, or Place respectively where such Offence shall be committed; which said Justice or Justices is and are hereby authorised to hear and examine Witnesses upon Oath or Affirmation, and determine the same; and all such respective Fines, Forfeitures, and Penalties by this Act imposed and inflicted, or authorised to be imposed and inflicted (the Application whereof is not herein before particularly directed) shall be paid into the Hands of the Treasurer or Receiver of the Monies to be raised by virtue of this Act, and shall be applied and disposed of for the Use of the said Navigation, and to and for no other Use or Purpose whatsoever.

Application thereof.

And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen, videlicet,

Form of Conviction.

BE it remembered, That on the *in the Year of our Lord* A. B. *is convicted before me* C. D. *one of his Majesty's Justices of the Peace for the* (specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be.) *Given under my Hand and Seal the Day and Year aforesaid.*

Distress not unlawful for want of Form,

And be it further enacted That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser ab initio on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

nor Parties distraining deemed Trespassers *ab initio*, for subsequent Irregularity.

Provided always, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Or-

Persons aggrieved may appeal to Quarter-sessions.

der or Judgement made or given in pursuance of any Rule, Bye-law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, may, within Six Calendar Months after such Order shall have made or given, complain to the Justices of the Peace at their General or Quarter Session to be held in and for the County, Riding, or other Place respectively where the Cause of Appeal shall arise, and not elsewhere; who shall, in a summary Way, either hear and determine the said Complaint at such General Quarter Session, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Session of the Peace to be held for the County, Riding, or Place respectively, and, if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye-law, Order, or Determination, and may also order such further Satisfaction to be made to the Party injured, as they shall judge reasonable.

Reservation of Rights.

Provided also, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend to take away, alter, abridge, lessen, change, or intrude upon any Jurisdiction or Power of the Corporation of Liverpoole, or any Part thereof, in, about, or concerning the Docks, Piers, and Harbour of Liverpoole; and also saving, reserving, continuing, and confirming to the said Corporation, and their Successors, all their Franchises, Liberties, Privileges, Town's Tolls and Town's Customs or Dues, Rights, Estates, and Interests whatsoever, excepting the Powers given by this Act, which have been and now are held and enjoyed, used, occupied, paid to, taken and received by the said Corporation, or any Part thereof; any Thing herein contained to the contrary thereof notwithstanding.

On Application, intermediate General Meetings may be appointed.

And be it further enacted, That in all Cases where any Power and Powers is and are hereby vested in any Committee by the said Company of Proprietors to be appointed, or in the Commissioners, or any Act or Acts directed to be done by them respectively, at any Meeting for putting in Execution any of the Powers given by this Act, the Opinion, Determination, or Judgement of a major Part of the Members of such respective Meetings shall be taken and considered as the Act and Judgement of the whole Body so assembled; any Thing herein contained to the contrary notwithstanding.

Limitation of Actions.

And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced against

any Person or Persons for any Thing done or to be done in pursuance of this Act, or the Execution of the Powers and Authorities, or the Orders and Directions herein before given and granted; every such Suit or Information, shall be brought or commenced within Six Calendar Months next after the Fact committed; or, in case there shall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing such Damages shall cease, and not afterwards, and shall be laid and brought in the said Counties of York and Lancaster respectively where the Matters in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act: And if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County or Place than as aforesaid; then, and in such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, Suit, or Information, after the Defendant or Defendants shall have appeared; or if a Verdict shall pass against the Plaintiff or Plaintiffs; or if upon Demurrer or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall have Full Costs, as between Attorney and Client, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

General Issue.

Full Costs.

And be it further enacted, That this Act shall be allowed in all Courts whatsoever as a Publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice of it as such, without specially pleading the same.

Publick Act.

FINIS.